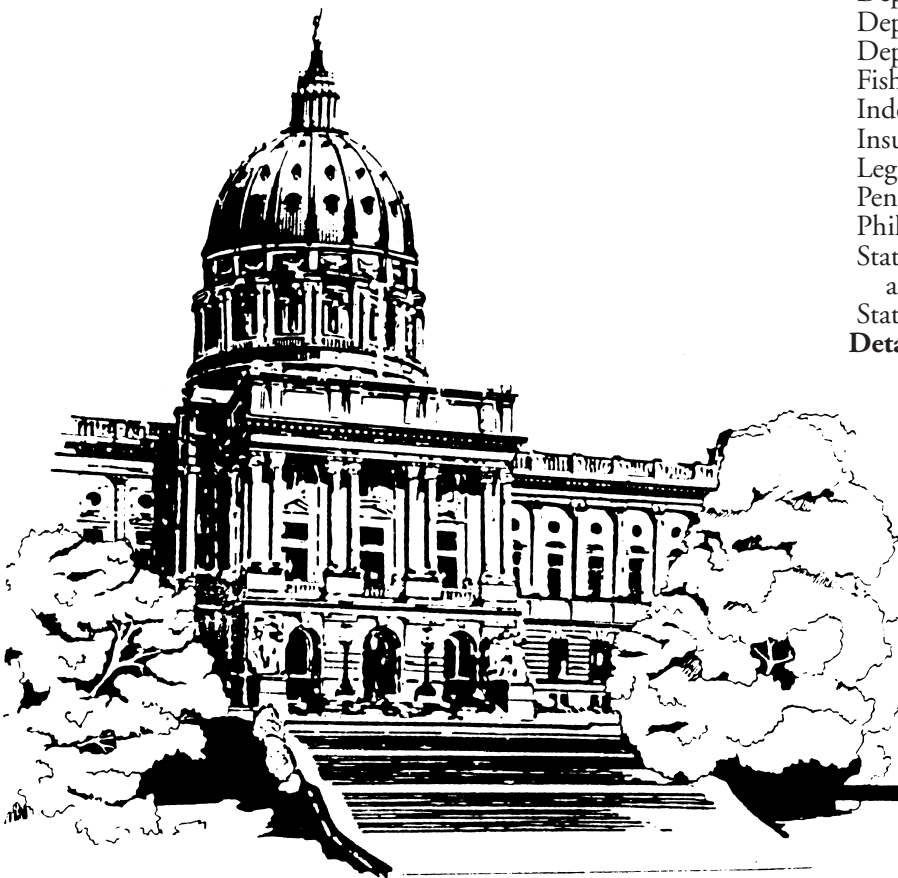


PENNSYLVANIA BULLETIN

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

No. 574, September 2022

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2022.

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 576 Judicial Adminis- tration Docket

Order

Per Curiam

And Now, this 1st day of September, 2022, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the attached Financial Regulations. The Financial Regulations are effective September 1, 2022.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103, the immediate promulgation of the regulations is hereby found to be in the interest of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter I. BUDGET AND FINANCE

§ 29.353. General Principles.

The Supreme Court of Pennsylvania, pursuant to general authority set forth by Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Courts, which use the Magisterial District Judge System (MDJS).

These regulations are effective [**April 28, 2019**] **September 1, 2022**.

I. Schedule for standard distribution of funds collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS, and the Magisterial District Courts, which use the MDJS.

A. All fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the

Court using the CPCMS, and the Magisterial District Courts, which use the MDJS, shall be distributed in the following prioritized order:

1. The collection agency fee provided for in 42 Pa.C.S. § 9730.1 shall be paid first, but only in cases wherein the private collection agency has secured the funds from the defendant or a third party and the payment is made to the court. No more than 25% of each payment secured from the defendant by the private collection agency may be applied towards this fee.

2. The [**Crime Victim's Compensation Fund and Victim Witness Services Fund**] **Crime Victim Services and Compensation Fund** shall be paid, but only in cases in which the defendant has been sentenced to incarceration, probation or is admitted into an accelerated rehabilitative disposition program (see 18 P.S. § 11.1101). Otherwise, these costs shall be distributed in accordance with subsection (A)(6) of these regulations.

3. At least 50% of any additional payment shall go to restitution until it is paid in full (see 42 Pa.C.S. § 9728(g.1)). When restitution is ordered to more than one recipient at the same time, the court shall set the priority of payment as follows, in accordance with 18 Pa.C.S. § 1106(c)(1)(ii)(A)—(G):

i. Any individual.

ii. Any affected government agency. The term "affected government agency" is defined as the Commonwealth, a political subdivision or local authority that has sustained injury to property. The term "injury to property" is defined as loss of real or personal property, including negotiable instruments, or decrease in its value, directly resulting from the crime. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

iii. The Crime Victim's Compensation Board.

iv. Any other government agency that has provided reimbursement to the victim as a result of the defendant's criminal conduct.

v. Any insurance company that has provided reimbursement to the victim as a result of the defendant's criminal conduct.

vi. Any estate or testamentary trust.

vii. Any business entity organized as a nonprofit or not-for-profit entity.

viii. Any other business entity. The term "business entity" is defined as a domestic or foreign: business corporation, nonprofit corporation, general partnership, limited partnership, limited liability company, unincorporated nonprofit association, professional association or business trust, common law business trust or statutory trust. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

4. Judicial Computer Project/Access To Justice/Criminal Justice Enhancement Account/**Office of Attorney General** (JCS/ATJ/CJEA/OAG) Fee (see 42 Pa.C.S. §§ 3733(a.1) and 3733.1; [**71 P.S. § 720.102;**] and 72 P.S. § 1795.1-E).

5. Electronic monitoring fees, offender supervision fees (as set forth in 18 P.S. § 11.1102(c)), alcohol highway safety school fees, service fees (such as sheriff's fees set forth in 42 P.S. § 21101 *et seq.*, and constable's fees set forth in 44 Pa.C.S. §§ 7161 and 7161.1), transcript fees,

witness fees (as provided for in 42 Pa.C.S. § 5903), and other similar fees shall be paid based upon a pro-rated formula, unless the fees are prioritized by court order or the judicial district. The Administrative Office of Pennsylvania Courts may preclude a fee from being classified as an “other similar fee.” The amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in electronic monitoring fees, \$10.00 in offender supervision fees, and \$10.00 in service fees, for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to electronic monitoring fees, divide the outstanding balance of the electronic monitoring fee (\$80.00) by the combined total outstanding balances of all items (\$80.00 + 10.00 + 10.00 = \$100.00). The result in this example is .8 (80/100). Multiply the resulting figure by the amount of the payment to determine the allocation to electronic monitoring fees, which in this example is \$8.00 (.8 × \$10.00 = \$8.00).

6. All other fines, fees, costs, reparations, penalties and other remittances, except for judgment or satisfaction fees, shall be distributed based upon a pro-rated formula. Specifically, the amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in costs, \$10.00 in fines, and \$10.00 in fees, for a total of \$100.00 in outstanding costs, fines and fees. Defendant makes a payment of \$20.00 in his/her case. To determine the amount to be allocated to the fines, divide the outstanding balance of the fines (\$10.00) by the combined total outstanding balances of all items (\$80.00 + 10.00 + 10.00 = \$100.00). The result in this example is .1 (10/100). Multiply the resulting figure by the amount of the payment to determine the allocation to the fines, which in this example is \$2.00 (.1 × \$20.00 = \$2.00).

7. Fees charged by the clerk of courts, prothonotary, other entity in the county responsible for the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties, or other remittances, or the Clerk of Philadelphia Municipal Court for the entry or satisfaction of a civil judgment related to a criminal proceeding, as set forth in 42 Pa.C.S. § 1725 and 42 P.S. §§ 21042 and 21071, shall be paid last. The amount of the payment allocated to each fee shall be determined by dividing the outstanding balance for the individual fee by the combined total of the outstanding balances for both fees. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual fee involved.

For example, a defendant owes \$60.00 in judgment fees and \$40.00 in satisfaction fees for a total of \$100.00 in

outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to judgment fees, divide the outstanding balance of the judgment fees (\$60.00) by the combined total outstanding balances of all items (\$60.00 + 40.00 = \$100.00). The result in this example is .6 (60/100). Multiply the resulting figure by the amount of the payment to determine the allocation to judgment fees, which in this example is \$6.00 (.6 × \$10.00 = \$6.00).

B. Each payment shall be applied to a single case, unless otherwise ordered by the court.

II. The county probation department or other agent designated to collect all fines, fees, costs, reparations, restitution, penalties and other remittances pursuant to 42 Pa.C.S. § 9728 shall use the CPCMS when performing collection-related activities.

III. Nothing in these regulations shall be applicable to the collection and/or distribution of any filing fee that is authorized by law. Filing fees shall include but not be limited to the clerk of courts automation fee set forth in 42 Pa.C.S. § 1725.4(b).

[Pa.B. Doc. No. 22-1410. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 400]

Proposed Amendment of Pa.R.Civ.P. 400 and Proposed Rescission of Pa.R.Civ.P. 400.1

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 400 and the rescission of Pa.R.Civ.P. 400.1 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by November 17, 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 Civil Procedural Rules Committee

KATHLEEN DUFFY BRUDER,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

SERVICE GENERALLY

(Editor's Note: The "Explanatory Comment" is not codified in Pa.R.Civ.P. 400 as printed in 231 Pa. Code.)

Rule 400. Person to Make Service.

[(a) Except as provided in subdivisions (b) and (c) and in Rules 400.1 and 1930.4, original process shall be served within the Commonwealth only by the sheriff.

(b) In addition to service by the sheriff, original process may be served also by a competent adult in the following actions:

(1) a civil action in which the complaint includes a request for injunctive relief under Rule 1531, perpetuation of testimony under Rule 1532, or appointment of a receiver under Rule 1533;

(2) partition;

(3) a declaratory judgment when declaratory relief is the only relief sought; and

(4) a civil action in which there is a complete diversity of citizenship between all plaintiffs and all defendants, and at least one defendant is a citizen of Pennsylvania.

Note: See Rule 76 for the definition of "competent adult".

Service of original process in domestic relations matters is governed by Rule 1930.4.

(c) When the sheriff is a party to the action, original process shall be served by the coroner or other officer authorized by law to perform the duties of coroner.

(d) If service is to be made by the sheriff in a county other than the county in which the action was commenced, the sheriff of the county where service may be made shall be deputized for that purpose by the sheriff of the county where the action was commenced.

EXPLANATORY COMMENT — 1985

See Explanatory Comment preceding Rule 400.]

(This is an entirely new text.)

(Editor's Note: The following text is proposed to be added and is printed in regular type to enhance readability.)

(a) *General Rule.* Original process shall be served within the Commonwealth by the sheriff or a competent adult.

(b) *Sheriff as a Party.* When the sheriff is a party to the action, original process shall be served by the coroner or other officer authorized by law to perform the duties of coroner.

(c) *Service by Sheriff Outside of County Where Action is Commenced.* If service is to be made by the sheriff in a county other than the county where the action was commenced, the sheriff of the county where service may be made shall be deputized for that purpose by the sheriff of the county where the action was commenced.

Comment:

See Rule 76 for the definition of "competent adult."

(Editor's Note: Pa.R.Civ.P. 400.1 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 400.1. [Provisions for All Courts of the First Judicial District] [Reserved].

[(a) In an action commenced in the First Judicial District, original process may be served

(1) within the county by the sheriff or a competent adult, or

(2) in any other county by deputized service as provided by Rule 400(d) or by a competent adult forwarding the process to the sheriff of the county where service may be made.

Note: See Rule 76 for the definition of "competent adult."

The First Judicial District is comprised of Philadelphia.

(b) In an action commenced in any other county, original process may be served in Philadelphia County by deputized service as provided by Rule 400(d) or by a competent adult.

Note: See Rule 76 for the definition of "competent adult."

(c) Rescinded.

Note: For service in an action for protection from abuse, see Rule 1930.4(b).]

SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P. 400 and Proposed Rescission of Pa.R.Civ.P. 400.1

The Civil Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rule of Civil Procedure 400 and the rescission of Pennsylvania Rule of Civil Procedure 400.1 to provide for service of original process within the Commonwealth by the sheriff or a competent adult for all civil actions.

The Committee received a request to consider the amendment of Pa.R.Civ.P. 400 to allow service of original process by a competent adult within the Commonwealth for all civil actions in addition to service by the sheriff. The requester contended that sheriff offices' resources are stretched, especially recently during the COVID-19 pandemic, the tightening labor market, and increased operating costs. Permitting a competent adult to serve original process would allow sheriff offices to devote more of their limited resources to courthouse duties, transporting prisoners, and protecting court employees. At the same time,

such service would provide plaintiffs the ability to secure service of original process properly, timely, and pursuant to specific instructions.

Current Pa.R.Civ.P. 400(a) requires that original process be served by a sheriff within the Commonwealth subject to certain exceptions. Those exceptions include service by a competent adult in addition to service by a sheriff for civil actions where the complaint includes a request for injunctive relief under Pa.R.Civ.P. 1531, perpetuation of testimony under Pa.R.Civ.P. 1532, or appointment of a receiver under Pa.R.Civ.P. 1533; partition actions; declaratory judgment actions when declaratory relief is the only relief sought; and civil actions subject to snap removal. Moreover, Pa.R.Civ.P. 400.1 permits service of original process by a competent adult in all civil actions in Philadelphia County in addition to service by the sheriff.

The Committee considered the merits of expanding service of original process within the Commonwealth to include service by a competent adult. Preliminarily, the Committee rejected basing a rulemaking proposal for the purpose of alleviating perceived resource limitations within sheriff offices. Matters of budgeting and personnel for independently elected offices are beyond the Committee's purview. Instead, the Committee evaluated the request in terms of establishing uniformity of service for all civil actions by permitting the plaintiff to choose either service by the sheriff or by a competent adult.

First, the Committee took note of an absence of concern with the current exceptions allowing service of original process using a competent adult. A previous proposal recently adopted by the Supreme Court to amend Pa.R.Civ.P. 400(b) expanding service by a competent adult for civil actions subject to snap removal was endorsed by commenters. *See* 52 Pa.B. 682 (January 29, 2022). Second, the proliferation of process servers in the Philadelphia area is indicative that the option of service of original process by a competent adult is being utilized in that county. This utilization suggests the efficacy and efficiency of that mode of service is at least comparable to sheriff service. Moreover, service of original process by a competent adult is permitted for citations in orphans' court proceedings, *see* Pa.R.O.C.P. 3.5, and in domestic relations matters, *see* Pa.R.Civ.P. 1930.4. The Committee specifically welcomes comments regarding experience using a competent adult for service of original process. Third, the Committee believes there is merit in having one, consistent rule governing service of original process within Pennsylvania for all civil actions.

The Committee also considered how current practice in Pennsylvania compared to service of original process in other states. To determine whether other states limited service of original process to the sheriff only, the Committee reviewed procedural rules and statutes of the remaining 49 states. The research revealed one other state limiting service of original process to the sheriff only: New Hampshire. Service of original process in the other states breaks down as follows:

- Twenty-three states permit service by a sheriff or other person authorized by law and a person 18 years of age or older who is not a party to the action—Colorado, Idaho, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, New York (outside NYC), North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington, West Virginia, Wyoming

- Twenty-two states, which permit service by both the sheriff or a competent adult, require the court or other authority to appoint or designate by order the person 18 years of age or older who is not a party to the action—Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Massachusetts, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Texas, Vermont

- Two states permit service by any adult not a party and 18 years of age or older; there is no provision service by the sheriff.—Tennessee and Wisconsin

- One state permits service by the sheriff, or the party or party's attorney if the party elects to undertake responsibility for service—Kansas

- California, New York (within NYC), Oklahoma, and Texas require certification, registration, or licensure of process servers

Based on this review, the Committee concluded that Pennsylvania's practice of allowing only the sheriff to serve original process within the Commonwealth for most civil actions is an outlier compared to the majority of other states.

Accordingly, the Committee believes that expanding and making uniform service of original process to permit service by a competent adult, in addition to service by a sheriff, would benefit plaintiffs with direct, timely, and efficient service, and bring the procedure in step with other states' practice. Please note this proposal is not intended to eliminate sheriff service, but to provide plaintiffs an option in selecting a mode of serving original process rather than the rules mandating the mode in an inconsistent manner within Pennsylvania. Insofar this proposal may free up sheriff offices' resources for other duties, the Committee specifically invites comments from all stakeholders on that matter.

The Committee is also proposing the deletion of the 1985 Explanatory Comment prefacing Pa.R.Civ.P. 400—449. The text of that historical commentary has been omitted from the instant publication due to length and for readers' ease of review.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 22-1411. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rules of Criminal Procedure; Administrative Order Number 11 of 2022

Order of Court

And Now, this 1st day of August, 2022, the Court hereby Orders that Rule 120 of the Adams County Rules of Criminal Procedure shall be created, as follows:

120. Attorneys—Appearance and Withdrawals.

Upon filing of entry of appearance, counsel of record shall receive notification of filings and

docket entries in the matter until said attorney files a withdrawal of appearance and upon approval of said withdrawal by the court.

This rule creation shall become effective after all the provisions of the Pennsylvania Rules of Criminal Procedure are met, to include the following:

a. A certified copy of this order shall be submitted to the Criminal Procedural Rules Committee for review in accordance with Pa.R.Crim.P. No. 105(D);

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

c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa.R.Crim.P. No. 105(F)(1);

d. A copy of the local rule shall be published on the Unified Judicial System's website;

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

f. The effective date of the local rule shall be 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 22-1412. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rule 1012; No. AD-980-2022

Administrative Order of Court

And Now, this 31st day of August, 2022, the Court hereby adopts the following Local Rule 1012, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Katherine G. Turner, Judicial Law Clerk, is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the following Local Rule with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.

2. File one (1) copy of this Order and the following Local Rule with the Legislative Bureau for publication in The *Pennsylvania Bulletin*.

3. Publish a copy of this Order and the following Local Rule on the Clinton County Court website.

4. Compile this Local Rule within the complete set of Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Rule 1012. Attorney and Party Contact Information.

(a) It is the sole responsibility of attorneys and unrepresented parties in matters before the Court to maintain current and accurate contact information with the Court. The term "contact information" shall include a valid mailing address, a valid telephone number and a valid email address.

(b) Upon the commencement of any action, the filing party shall be responsible to provide the Office of the Prothonotary contact information for the filing party and all other parties to the action, if known. Such information shall be listed on a separate document filed contemporaneously with the pleading commencing the action.

(c) The failure of any attorney or unrepresented party to maintain current and accurate contact information with the Court may result in the attorney or unrepresented party failing to receive timely notice of Court Orders, scheduled case events and other proceedings. Such failure will not be considered by the Court as an excuse for the attorney's or unrepresented party's failure to timely file responsive documents, appear for scheduled proceedings, or comply with Court Orders.

Note: A form Praecept for Change of address/Contact Information has been approved by the Court and is available at: <https://www.clintoncountypa.com/government/court-services/county-courts/court-forms/-fsiteid-1> or by contacting the District Court Administrator's Office directly at 570-893-4016.

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA

vs.)
)
) No.
)
)

PRAECIPE TO CHANGE ADDRESS/CONTACT INFORMATION

TO THE PROTHONOTARY:

Kindly change the Plaintiff's/Defendant's/Attorney's mailing address and other noted information in the above captioned matter to the following:

Name	Telephone No. (please check applicable type) ◦ Landline ◦ Mobile ◦ Mobile with Text receipt capability
Address, Number and Street	
Address, Number and Street (cont.)	Telephone No. (alternate) ◦ Landline ◦ Mobile ◦ Mobile with Text receipt capability
Address, City, State, Zip Code	
Email Address	

I certify that I am the Party/Attorney named above, that the above is my true and correct mailing address and contact information, and that I understand that the above address may be used for any mailing of notices and orders of court directed to the undersigned.

I further understand that by providing an email address above, I am consenting to use of that email address for receipt of copies of all legal papers in this action that are not required to be served personally or to be contacted by Court officials.

Date: _____

 Plaintiff/Defendant/Attorney for

 Attorney Id No. _____

[Pa.B. Doc. No. 22-1413. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rule 1018.1; No. AD-981-2022

Administrative Order of Court

And Now, this 31st day of August, 2022, the Court hereby rescinds previous Local Rule 1018.1 and adopts the following Local Rule 1018.1, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Katherine G. Turner, Judicial Law Clerk, is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the following Local Rule with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.
2. File one (1) copy of this Order and the following Local Rule with the Legislative Bureau for publication in The *Pennsylvania Bulletin*.
3. Publish a copy of this Order and the following Local Rule on the Clinton County Court website.

4. Compile this Local Rule within the complete set of Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Rule 1018.1. Notice to Defendant. Form.

The designated officer to be named in the Notice to Defend from whom legal help can be obtained as required by Pa.R.C.P. No. 1018.1 shall be:

IF YOU DO NOT HAVE A LAWYER CONTACT:

Pennsylvania Bar Association
 Lawyer Referral Service
 100 South Street
 PO Box 186
 Harrisburg, PA 17108-0186
 Telephone—800-692-7375
 Website—pabar.org/site/For-the-Public/Find-a-Lawyer/
 Get-a-Referral

IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR LEGAL AID THROUGH:

North Penn Legal Services
 Penn Tower Building
 25 West Third Street, Suite 400
 Williamsport, PA 17701
 Telephone—570-323-8741
 Fax—570-323-5256
 Website—nplsoi.legalservice.org/modules/matter/externaltakephp?pid=129h=daa817

[Pa.B. Doc. No. 22-1414. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CRAWFORD COUNTY

In the Matter of the Adoption of Local Criminal Rules of Procedure; No. AD 1 of 2022

Order

And Now, September 2, 2022, Local Rule of Criminal Procedure 117 is amended as follows, effective thirty days after publication in the *Pennsylvania Bulletin*:

Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; Setting and Accepting Bail; and Other Services.

REGULAR BUSINESS HOURS

All magisterial district judge offices shall be open for regular business Monday through Friday, excluding holidays celebrated by the Court of Common Pleas of Crawford County, from 8:30 a.m. to 4:30 p.m. prevailing local time, to provide the services specified in Rule 117(A) of the Pennsylvania Rules of Criminal Procedure during regular business hours.

MAGISTERIAL DISTRICT JUDGE TEMPORARY ASSIGNMENTS

When during regular business hours for magisterial district judges, a judge who has venue over a particular matter is unavailable, any other magisterial district judge in Crawford County is hereby temporarily assigned to serve the magisterial district of the judge who is unavailable. Such an arrangement may be made between respective magisterial district judges by mutual agreement. Any additional compensation for said arrangement will be waived.

ON-CALL COVERAGE DURING NON-BUSINESS HOURS

There shall be continuous coverage for all of the magisterial district courts during non-business hours by the on-call magisterial district judge for all of the following:

1. Issuance of search warrants pursuant to Pa.R.Crim.P. 203;
2. Issuance of arrest warrants pursuant to Pa.R.Crim.P. 513; and
3. Issuance of emergency orders under the Protection From Abuse Act (23 Pa.C.S. §§ 6101—6122), the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S. §§ 62A01—62A20), and the Older Adults Protective Services Act (35 P.S. §§ 10225.101—10225.5102).

The “Continuous Coverage” services set forth above shall be provided by the on-call magisterial district judge in the following manner: The on-call magisterial district judge will be promptly notified by Crawford County Emergency Management Office whenever there is a need for any “Continuous Coverage” service. The on-call magisterial district judge will then contact the police officer or other person requesting the services of the on-call magisterial district judge. The Crawford County Emergency Management Office will only notify the on-call magisterial district judge if the request is for one of the enumerated “Continuous Coverage” services.

OTHER ON-CALL COVERAGE

The on-call magisterial district judge will also be responsible for performing the services required by Pa.R.Crim.P. 117(A)(2), in the following manner: The on-call magisterial district judge shall call the booking officer at the Crawford County Correctional Facility each morning at 8:00 a.m. to determine whether there is a need to perform any of the services required by Pa.R.Crim.P. 117(A)(2). If such a need has arisen, the on-call magisterial district judge shall appear that day for the performance of those services, without unnecessary delay, either at the office of the on-call magisterial district judge, or (to the extent allowable by Pa.R.Crim.P. 119) remotely by two-way audio-visual communication if such equipment is available, at the option of the on-call magisterial district judge.

ON-CALL MAGISTERIAL DISTRICT JUDGE ASSIGNMENTS

The magisterial district judges shall rotate in performing the services of on-call magisterial district judge on a weekly basis consistent with a schedule established annually by the District Court Administrator with the approval of the President Judge. Modifications of this schedule may occur amongst the respective magisterial district judges by mutual agreement. Any such modification shall be conveyed to the Crawford County Emergency Management Office by the magisterial district judge who will be serving as the on-call magisterial district judge by mutual agreement. Any additional compensation for subsequent modification of an existing schedule shall be waived.

The weekly on-call duty shall begin on Friday at 4:30 p.m. and continue until the following Friday at 8:30 a.m., unless the magisterial district court offices are closed that Friday, in which case on-call duty shall continue that Friday until 4:30 p.m.

OFFICIALS DESIGNATED TO ACCEPT BAIL

Magisterial district judges, the Clerk of Courts, and the Crawford County Correctional Facility shall be authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

Further, the District Court Administrator is *Ordered* and *Directed* to publish and disseminate this Order in conformity with Pa.R.J.A. 103.

By the Court

JOHN F. SPATARO,
President Judge

[Pa.B. Doc. No. 22-1415. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Increase in Jurisdictional Limit for Compulsory Arbitration and Amendment to Local Rule L1301; No. 90097 of 2022 A.D.

Administrative Order

And Now, this 12th day of August, 2022, in accordance with the authority given to the Court and as authorized by 42 Pa.C.S.A. § 7361, it is *Ordered* and *Decreed* that the jurisdictional limit for compulsory arbitration in the Court of Common Pleas of Lawrence County, 53rd Judicial District, is hereby increased from the current limit of twenty-five thousand dollars (\$25,000.00) to the amount of fifty thousand dollars (\$50,000.00).

It is further *Ordered* and *Decreed* that Local Rule L1301 is hereby amended to provide as follows:

Rule L1301. Arbitration-Scope.

All cases where the amount in controversy does not exceed \$50,000.00, excluding interest and costs, except those involving title to real estate, shall be submitted to compulsory arbitration under this Rule.

The effective date of this Order and Amended Rule L1301 shall be January 1, 2023, and shall apply to all cases filed on or after June 1, 2023, and to all cases pending as of such date. As to any case pending as of January 1, 2023, where the complainant asserted the claim was above the previous limit of twenty-five thousand dollars (\$25,000.00), the claimant may file a certification that the claim is within the increased arbitration

limit of fifty thousand dollars (\$50,000.00) and thereby proceed to compulsory arbitration.

The District Court Administrator of Lawrence County shall:

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

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

3. Arrange to have this Administrative Order and Rule published on the Lawrence County Bar Association website at lawrencecountybar.org, and forward one copy to the *Lawrence Law Journal* for publication.

4. Arrange to have this Administrative Order and Rule, as well as all Local Rules, published on the 53rd Judicial District website at lawrencecountypa.gov.

5. Keep this Administrative Order and Rule, as well as all Local Rules of this Court, continuously available for public inspection and copying in the appropriate Lawrence County filing office. The respective filing office shall furnish to any person a copy of any Local Rule upon request and payment of reasonable cost of reproduction and mailing.

By the Court

DOMINICK MOTTO,
President Judge

[Pa.B. Doc. No. 22-1416. Filed for public inspection September 16, 2022, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 51]

[L-2020-3017284]

Diversity Reporting of Major Jurisdictional Utilities

Public Meeting held
June 16, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Diversity Reporting of Major Jurisdictional Utilities,
52 Pa. Code Chapter 51; L-2020-3017284

Final Rulemaking Order on Reconsideration

By the Commission:

This matter comes to the Public Utility Commission (PUC) on sua sponte reconsideration. On December 17, 2020, the PUC entered a Notice of Proposed Rulemaking Order (NOPR) proposing to make diversity reporting recommendations in the Diversity Policy Statement, 52 Pa. Code §§ 69.801—69.809, an obligation to be codified in 52 Pa. Code Chapter 51 (relating to general provisions for major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services). The NOPR and Annex A were submitted to the Office of Attorney General (OAG) for review as to legality and form and to the Governor's Office of the Budget for review as to fiscal impact. Thereafter, the NOPR and Annex A were submitted to the Legislative Committees, the Independent Regulatory Review Commission (IRRC), and the Legislative Reference Bureau.

The NOPR and Annex A were published in the *Pennsylvania Bulletin* on June 5, 2021, 51 Pa.B. 3134,¹ and the public comment period closed on July 20, 2021. The PUC received comments from the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA); Citizens' Electric Company of Lewisburg, PA, Wellsboro Electric Company, and Valley Energy, Inc. (collectively C&T Utilities); Duquesne Light Company (Duquesne Light); the Energy Association of Pennsylvania (EAP); IRRC; Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, FirstEnergy); Pennsylvania American Water Company (PAWC); PECO Energy Company (PECO); Philadelphia Gas Works (PGW); UGI Utilities, Inc. (UGI); and Verizon Pennsylvania LLC and Verizon North LLC (collectively Verizon).

On April 14, 2022, the PUC entered a Final Rulemaking Order which addressed the comments received in response to the PUC's NOPR. In the April 14, 2022 Order, the PUC reviewed all of the comments received, and the PUC adopted some of the proposed amendments to the PUC's Diversity Reporting regulation that commentators submitted. As will be discussed in detail, *infra*, the PUC received comments on its ability to require telecommunications utilities to file diversity reports. In the April 14, 2022 Order, the PUC removed telecommunications utilities from the diversity reporting requirement and instead added a provision that encouraged telecommunications

utilities to submit diversity reports to the PUC. Upon sua sponte reconsideration of the April 14 Order, the PUC concludes that the inclusion of a provision encouraging telecommunications utilities to file diversity reports with the PUC is not appropriate for a regulation and enters this Final Rulemaking Order On Reconsideration to address this revision and to restate the final regulation in its entirety.

For the sake of clarity, the PUC reiterates its analysis of the comments received in response to the NOPR, which we now address.

Summary of the Rulemaking

This regulation builds on the PUC's existing Diversity Policy Statement. The guidelines and recommendations in the PUC's policy statement at 52 Pa. Code §§ 69.801—69.809 set forth the goal of maintaining a diverse workforce and supply chain and include recommendations for the voluntary filing of diversity information by major jurisdictional utilities.

The General Assembly has empowered the PUC to enact regulations governing public utilities. Section 501 of the Public Utility Code, 66 Pa.C.S. § 501(b), provides that:

[T]he commission shall have general administrative power and authority to supervise and regulate all public utilities doing business within this Commonwealth. The commission may make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties.

Section 504 of the Public Utility Code, 66 Pa.C.S. § 504, provides in relevant pertinent part that the PUC:

[M]ay require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

In the NOPR, the PUC proposed that diversity reporting be mandatory for major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services. The NOPR indicated that this new obligation would be codified in 52 Pa. Code Chapter 51. This entailed promulgating within the Diversity Reporting regulation (1) as regulatory definitions some of the policy definitions that have been recently modified in Sections 69.802 and 69.802a and (2) as filing obligations the filing recommendations recently modified in Section 69.809. 52 Pa. Code §§ 69.802, 69.802a and 69.809. It also required mandating the use of a specific form, as may be modified from time to time by the PUC, for reporting workforce diversity.

Discussion

The PUC has reviewed all of the comments filed in this proceeding. Based upon these comments, the PUC proceeds with the proposal in the NOPR with modifications.

After this regulation becomes effective, the PUC will rescind the diversity reporting recommendation at 52

¹ <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-23/890.html>

Pa. Code § 69.809 since all of these reporting recommendations will now be mandatory. The Diversity Policy Statement will thereafter consist of Sections 69.801—69.808.² 52 Pa. Code §§ 69.801—69.808.

A. The PUC's Authority to Require Diversity Reporting

The PUC first addresses comments it received from Verizon which go directly to the PUC's authority to promulgate regulations requiring diversity reporting. Verizon does not support the regulation. Verizon Comments at 4. Verizon states that the PUC is a "creature of statute" and "has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication." Id. Verizon asserts that our rulemaking is missing a citation to any specific provision in the Public Utility Code or other law that empowers the PUC to impose or enforce workforce and supplier diversity requirements. Id. It further notes that the reporting form is modeled after the federal Employer Information Report EEO-1, 29 C.F.R. § 1602.7, (EEO-1 Report) used by the Equal Employment Opportunity Commission (EEOC) but that the federal EEOC has statutory authority to require certain employers to submit (on a confidential basis) demographic workforce data, including race/ethnicity and gender, by job category. Id. Verizon argues that this federal statute does not empower the PUC to require reporting of that same information and that there is no explicit provision in the Public Utility Code conferring that authority. Id.

Verizon also argues that even if the PUC has authority to compel reporting, to mandate these new reports by "major telecommunications utilities with 50,000 or more access lines", this directly contradicts the Public Utility Code, which is the source of the PUC's authority to regulate telephone services. Id. at 5. Verizon points to 66 Pa.C.S. § 3015(e) which specifically limits the reports the PUC is authorized to require from a local exchange telecommunications company. Id. A diversity-and-inclusion report is not one of the reports that the legislature enumerated. Id. Verizon further asserts that Section 3015(f)(1) makes clear that "no report, statement, filing or other document or information, except as specified in subsection (e), shall be required" unless the PUC first makes specific written findings that the report is necessary to ensure that the company "is charging rates that are in compliance with this chapter and its effective alternative form of regulation" and that "the benefits of the report substantially outweigh the attendant expense and administrative time and effort required. . .to prepare it." 66 Pa.C.S. § 3015(f)(1)(i) and (ii). Verizon argues that the PUC has not made the required "specific written findings" and that the facts do not support finding that both of these requirements are satisfied. Id.

With respect to the definition of "major jurisdictional utility," IRRC points to a comment from Verizon that the Public Utility Code limits the reports the PUC can require from local exchange telecommunications utilities. 66 Pa.C.S. §§ 3014(f) and 3015(e) and (f). IRRC asks the PUC to explain how the reporting requirements of this rulemaking are consistent with the statutory provisions cited by Verizon in the "preamble"³ to the final-form rulemaking. Id. at 2-3.

IRRC also noted the PUC's use of fines as an available remedy to ensure compliance. IRRC wants to know what

² As will be addressed in detail, *infra*, the PUC's Diversity Policy Statement will also have 52 Pa. Code § 69.802a removed with only 52 Pa. Code § 69.802 containing definitions for the Diversity Policy Statement.

³ The Commission's notice of proposed rulemaking order and final rulemaking order on reconsideration in the rulemaking process are the "preamble," respectively, to a proposed regulation and a final regulation.

the PUC's statutory authority is for requiring compliance with this regulation and the possible imposition of fines for non-compliance. IRRC Comments at 3. IRRC advises that the PUC cite to this authority in the final-form regulation and the preamble, and also recommends that the type of possible corrective action or enforcement and the amount of potential fines also be included in the final-form regulation. Id.

Disposition

The PUC has asserted its authority in the NOPR. The PUC stated that its authority comes from Sections 501 and 504 of the Public Utility Code. 66 Pa.C.S. §§ 501 and 504. We clarify that Section 504 authorizes the PUC to:

[R]equire any public utility to file. . .special reports concerning *any matter whatsoever. . .to keep itself informed. . .* The commission may require any public utility to file with it a copy of any report filed by such public utility with any Federal department or regulatory body.

66 Pa.C.S. § 504 (emphasis added).

It is this language by which the PUC is authorized to require major jurisdictional utilities to file diversity reports. We note that it is incumbent on the success of all businesses in today's society to have a diverse workforce. While businesses that compete in the free market are influenced by free-market forces to maintain diversity, public utilities, as natural monopolies, do not experience these free-market forces. Notwithstanding, it is incumbent on major jurisdictional utilities to have a diverse workforce as this is an essential element of success for all businesses.

The PUC is obligated to ensure that:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay.

66 Pa.C.S. § 1501.

Keeping apprised of major jurisdictional utilities' diversity provides the PUC with insight into how major jurisdictional utilities are able to operate effectively and ensure that they are capable of reasonably operating continuously and without unreasonable interruptions or delay. It is incumbent on the PUC to keep apprised of major jurisdictional utilities diversity efforts, since a lack of diversity could cause operating deficiencies, resulting in an inability to compete with other large employers. By providing diversity reports to the PUC, the PUC is taking a proactive approach to diversity as an essential part of maintaining a successful business. As such, the PUC disagrees with Verizon's narrow reading of the Public Utility Code, and the PUC proceeds with this rulemaking pursuant to the authority cited, *supra*.

With respect to Verizon's position that the Public Utility Code precludes any additional reports from local exchange telecommunications companies (LETCs), the PUC is constrained to agree. Section 3015 of the Public Utility Code carved out a limited exception for telecommunications utilities wherein the General Assembly directed the following:

(f) Other reports.—

(1) Notwithstanding any other provision of this title to the contrary, no report, statement, filing or other document or information, except as specified in subsection (e), shall be required of any local exchange telecommunications company unless the commission, upon notice to the affected local exchange telecommunications company and an opportunity to be heard, has first made specific written findings supporting conclusions in an entered order that:

(i) The report is necessary to ensure that the local exchange telecommunications company is charging rates that are in compliance with this chapter and its effective alternative form of regulation.

(ii) The benefits of the report substantially outweigh the attendant expense and administrative time and effort required of the local exchange telecommunications company to prepare it.

66 Pa.C.S. § 3015.

The General Assembly made it clear that the PUC could not require telecommunications utilities to submit reports or statements in addition to the reports and statements already enumerated in subsection (e) of Section 3015 without establishing that the benefits substantially outweigh the attendant expenses to prepare it. On June 22, 2004, the General Assembly entered a resolution directing the Legislative Budget and Finance Committee (LB&FC) to study and report on filing and reporting requirements imposed by the PUC on LECs operating in a competitive telecommunications environment. See H.R. 786 of 2004. The LB&FC conducted a comprehensive analysis of all the filing and reporting requirements on LETCs in November of 2004. In the LB&FC's analysis, it expressly noted that:

To determine the PUC's reporting and filing requirements, we contacted both the PUC and the Pennsylvania Telephone Association, an association representing 37 incumbent local exchange carriers throughout Pennsylvania. The list of required reports includes nine reports that have been temporarily waived or suspended for at least some companies. *We did not include the Report on Diversity, which the PUC "encourages" LECs to submit but is not a required report, nor does the report address the continued need for several Verizon-only reports.*

LB&FC Filing and Reporting Requirements on LECs at 1 (emphasis added).

It is apparent that the LB&FC was aware of the PUC's existing policy statement encouraging diversity reporting among all of the major jurisdictional utilities. However, since employee diversity was not a required report at the time, the LB&FC did not analyze the effect of this report on telecommunications utilities. Since diversity reporting was not a required filing at the time of Section 3015's enactment and there is no language permitting the addition of any report, the PUC is constrained to read Section 3015 as excluding telecommunications utilities from being required to file a diversity report. Accordingly, the PUC amends its proposed regulation to exclude telecommunications utilities from the definition of "major jurisdictional utility" as applied to diversity reporting to avoid contradicting statutory law. However, while telecommunications utilities are exempt from the diversity reporting requirement, the PUC's Diversity Policy Statement encourages them to submit diversity reports in accordance with 52 Pa. Code Chapter 51.

B. § 51.11.—General.

The PUC received comments from CAUSE-PA, C&T Utilities and IRRC generally supporting Section 51.11 but recommending amendments.

CAUSE-PA supports Section 51.11 but suggests adding the words "equity and inclusion" in the regulatory language and as part of the reporting requirements. CAUSE-PA's Comments at 5. CAUSE-PA recommends that the PUC collaborate with local and statewide organizations and community partners with Diversity Equity and Inclusion (DEI) expertise to assist in the finalization of this rulemaking and to consult on future initiatives to strengthen DEI-related language. *Id.* at 6. CAUSE-PA also encourages the PUC to establish a dedicated office of DEI to review utility reports, study relevant data and further advance DEI initiatives. *Id.*

C&T Utilities recommends deleting the first sentence that states "Diversity is an economic reality that each major jurisdictional utility is expected to recognize in its corporate strategy now and in the future." C&T Utilities' Comments at 4-5. C&T Utilities asserts that the phrase "is expected" appears to elevate diversity among the competing priorities and policies established by its management. *Id.* at 5. To eliminate any ambiguity, C&T Utilities recommends deleting this sentence from the final regulation. *Id.*

IRRC points to CAUSE-PA's comment regarding diversity including concepts of "equity and inclusion." IRRC's Comments at 2. IRRC suggests that the PUC adopt this amendment if the PUC believes this amendment would increase workforce diversity and participation by diverse groups at major jurisdictional utilities. *Id.* In its comments, IRRC also inquires as to what the PUC's statutory authority is for requiring compliance with this regulation and the possible imposition of fines for non-compliance. *Id.* IRRC recommends that the PUC cite the authority in the final-form regulation and the preamble and include the type of possible corrective action enforcement and potential fines. *Id.*

Disposition

The PUC's primary focus in this rulemaking is to require the diversity reporting by major jurisdictional utilities so that the PUC can be kept apprised of major jurisdictional utilities' progress with their respective employment diversity. The words "equity and inclusion" were not used in the PUC's Diversity Policy Statement, and adding the words "equity and inclusion" would require further revision to the definition section which would not serve the PUC's goal of ensuring consistent and accurate reporting from major jurisdictional utilities. The words "equity and inclusion" would infer that the PUC is taking an active role in management of major jurisdictional utilities' hiring process which is not the objective of this rulemaking. As there is no material benefit from adding the terms "equity and inclusion," the PUC refrains from adding these terms in the final rulemaking.

The PUC agrees with C&T Utilities' recommendation of deleting the first sentence of Section 51.11. The first sentence in Section 51.11 appears as the first sentence in the PUC's Diversity Policy Statement at 52 Pa. Code § 69.801. It is not the intention of this rulemaking to direct the hiring practices of major jurisdictional utilities. To the contrary. The PUC recognizes that major jurisdictional utilities are responsible for managing their business operations and that they are in the best position to

address the diversity in their respective workforces. To address C&T Utilities' concern, the PUC deletes the first sentence in Section 51.11 and retains this sentence in the Diversity Policy Statement at 52 Pa. Code § 69.801.

The PUC also agrees with IRRC's recommendation to cite in the preamble the PUC's authority to impose a fine against major jurisdictional utilities that fail to comply with the diversity reporting requirement. The PUC derives its authority to impose a fine of up to \$1,000 on any public utility in its jurisdiction for violations of the Public Utility Code or the PUC's regulations. 66 Pa.C.S. § 3301. Accordingly, the PUC amends Section 51.11 to include the language "failure to conform with this chapter may result in civil penalties pursuant to 66 Pa.C.S. § 3301."

The PUC notes that the last sentence in Section 51.11 generally states that major jurisdictional utilities are now required to report annually the result of their diversity efforts. The PUC has determined that it is necessary to include the phrase "in accordance with this chapter" to make it clear that annual reports, that major jurisdictional utilities submit to the PUC, adhere to all of the provisions set forth in Chapter 51.

C. § 51.12.—Definitions.

Before addressing the comments regarding the individual definitions, we first address the definition structure in Chapter 51. IRRC notes that the definitions in all three sections (Sections 51.12, 51.13, and 51.14) are applicable to this regulation and the entirety of the Policy Statement and that none of the definitions in a particular section are repeated in another section. IRRC Comments at 1. IRRC questions the need for three separate sections for definitions and suggests that there be one section for definitions. Id.

Disposition

The PUC agrees with IRRC in reducing the definitions sections from three sections to one. To accomplish this, the PUC deletes Sections 51.13 and 51.14 and amends Section 51.12 to contain three new subsections: (a), (b) and (c). Subsections (a), (b) and (c) will contain the prefacing language from Sections 51.12, 51.13 and 51.14, respectively, and their defined terms listed beneath their respective prefacing language. Accordingly, terms applicable to both major jurisdictional utility employees and vendors will be listed under 51.12(a), terms applicable only to employees will be listed under 51.12(b), and terms only applicable to vendors will be listed under 51.12(c). The remaining proposed sections will be renumbered.

1. § 51.12(a)⁴

The PUC received comments from CAUSE-PA and IRRC generally supporting the language now in Section 51.12(a) but recommending amendments. CAUSE-PA recommends adding to persons with disability and LGBTQ definitions "employee self-identification and shall be confidential and voluntary on the part of the employee." CAUSE-PA's Comments at 6-7. CAUSE-PA contends that it is important for utilities to build an inclusive and welcoming workplace, where employees feel safe to be who they are. Id. at 7. CAUSE-PA notes that disabilities are often not visible and that disclosure of a disability to an employer can expose the person to disparate treatment by the employer or their colleagues. Id. It must be clear to the employee that disclosure is completely voluntary and will remain confidential. Id. at 7-8.

IRRC also notes that the last sentences in "LGBTQ," "person with disabilities" and "operate" are substantive

and should be moved to the body of the regulation or policy statement. Id. at 2. IRRC further advises that if the Policy Statement is amended to delete Section 69.809, 52 Pa. Code § 69.809, the definition section of the final regulation should be amended to reflect the correct citation to the Policy Statement. Id.

Disposition

The PUC agrees with CAUSE-PA's recommendation that employee self-identification must be confidential and voluntary on the part of the employee. Further, the PUC adopts IRRC's recommendation that the language directing the self-identification and confidential treatment of persons with disability and LGBTQ status should be moved to the body of the regulation to be consistent with the *Style Manual*. Accordingly, the PUC amends the definition of "LGBTQ" in Section 51.12(a) by deleting "Employer reporting on LGBTQ shall be based on employee self-identification." In turn, we add subsection (d) to Section 51.13 which now incorporates CAUSE-PA's recommended language which reads "reporting of persons with disability and LGBTQ status shall be confidential and voluntary on the part of the employee." This language ensures the privacy of individuals who do not wish to be reported as a person with disability or LGBTQ status. The PUC further corrects all the citing references to all of the Diversity Policy Statement sections in Chapter 51.

2. § 51.12(b)⁵

The PUC received comments from CAUSE-PA, C&T Utilities, EAP, and IRRC generally supporting the definitions now in Section 51.12(b) but recommending amendments.

a. *Removal of definitions not used in Diversity Reporting Regulation*

C&T Utilities, EAP and IRRC recommend removing definitions that do not appear in Section 51.11 and 51.15. C&T Utilities Comments at 5 and EAP's Comments at 4. C&T Utilities specifically notes that the term Minimum Improvement Level (MIL) assumes a substantive evaluation of the "level or goal" that "indicates progress in a preferred direction," which is a matter of managerial discretion. C&T Utilities Comments at 5. EAP asserts the proposed regulations would include definitions recently modified or added to the Diversity Policy Statement but not used in the proposed regulatory language set forth in the NOPR. EAP's Comments at 3. EAP further notes that the form also is part of the Diversity Policy Statement. Id. EAP disagrees with the PUC's rationale that "because the Diversity Policy Statement would be the predicate recommendations for the contents being reported, there are definitions proposed for inclusion in the regulation that would not be otherwise used in the regulation." Id. At 4 (citing NOPR, 51 Pa.B. at 3135). EAP disagrees with this approach and contends that definitions necessary to understand the Diversity Policy Statement are already contained therein. Id. EAP requests that the following terms in Section 51.12(b) be stricken: "long-term plan," "minimum improvement level," "midterm plan," "short term plan." Id. At 4 n. 3. EAP also notes its concerns that the language as proposed blurs the line between policy and regulatory obligation which sets the stage for future confusion between the regulator and the regulated community. Id. At 3.

IRRC states that terms not used in the substantive section of the rulemaking creates a compliance obligation

⁴ Formerly Section 51.12.

⁵ Formerly Section 51.13.

that does not exist. *Id.* At 1. It notes that the inclusion of definitions in a regulation that are not used in that regulation conflicts with guidance provided in Section 2.12 of the *PA Code & Bulletin Style Manual*. IRRC suggests that the PUC follow the *PA Code & Bulletin Style Manual* and delete terms that are not used in Sections 51.11 and 51.15 of Section 51.12(a) or the annual report. *Id.* At 1-2.

Disposition

With respect to the terms “long-term plan,” “minimum improvement level,” “midterm plan,” “short term plan,” the PUC deletes these definitions from Section 51.12(b). The PUC agrees with C&T Utilities, EAP, and IRRC that since these terms are not used in the regulation for diversity reporting they should not be defined here. As such, the PUC deletes these terms from Section 51.12(b) and keeps these definitions in the Policy Statement at Section 69.802 where they are used. 52 Pa. Code § 69.802. The PUC also deletes language in the preamble of Section 51.12(b) that reads “and in the Commission’s Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.808” since the terms defined in Section 51.12(b) are not used in the Diversity Policy Statement.

In turn after the regulation becomes effective, the PUC will delete, in its entirety, Section 69.802a, 52 Pa. Code § 69.802a, and combine all of the employer and vendor terms together in one definitions section in the Policy Statement since both the employer and vendor terms are apparent as to their respective applicability in the Policy Statement.

b. The Use of “Not Hispanic or Latino”

CAUSE-PA recommends removing “Not Hispanic or Latino” from each identified race in Section 51.12(b) because people who identify as Hispanic or Latino, an ethnicity, should not be prevented from also indicating the race they identify as, if they so choose. CAUSE-PA Comments at 9. CAUSE-PA posits that research suggests that separating ethnicity from race in data reporting can cause inaccuracies in reporting. *Id.* It acknowledges that these amendments would be different from the federal definitions from which the PUC modeled its proposed definitions and would cause state reporting to differ. However, CAUSE-PA generally suggests this challenge is not insurmountable and not cost prohibitive. *Id.*

IRRC notes that the term “Black or African-American” does not include “not Hispanic or Latino” in parentheses like the other racial definitions. IRRC’s Comments at 3. IRRC points to CAUSE-PA’s comment regarding the use/non-use of “Not Hispanic or Latino” and asserts that if the PUC believes CAUSE-PA’s suggestion improves the clarity of the regulation and the form, then IRRC encourages this change to be made to the final-form rulemaking. *Id.*

Disposition

The definitions being used to refer to race in the proposed rulemaking were carried over from the PUC’s updated Diversity Policy Statement from 2020. See 52 Pa. Code § 69.802. In the PUC’s update to its Diversity Policy Statement, the PUC considered comments from Aqua, Duquesne Light, EAP, PECO, and First Energy which all recommended that the PUC use the EEOC’s EEO-1 Report. See 51 Pa.B. 435-436. We further noted in amending the Diversity Policy Statement that it was part of the PUC’s goal to ensure consistent reporting of major jurisdictional utility diversity reporting to multiple governmental agencies. The definitions of terms to describe race as used in the Diversity Policy Statement are now

used in this regulation. The PUC has determined that these definitions are consistent with the EEO-1 Report and will not make any further changes to these definitions. However, with respect to IRRC’s comment regarding the omission of “Not Hispanic or Latino” after “Black or African American” this was incorrectly omitted, and the PUC adds “Not Hispanic or Latino” to the term “Black or African American” in Section 51.12(b).

*3. § 51.12(c)*⁶

C&T Utilities generally supports Section 51.12(c) but made recommendations for amendments. C&T Utilities recommends removing the definition of “exempt procurement” and “substantial objective.” C&T Utilities Comments at 5. It notes that these definitions are not used in the proposed regulations and should not be included in the definitions section. Additionally, “substantial objective” is defined as one “which demonstrates a major jurisdictional utility’s commitment to increase the share of the utility’s purchases from and contracts with” diverse vendors. C&T Utilities suggests that this seems to set a quota for assessing a utility’s performance, rather than establishing a reporting requirement. *Id.*

Disposition

The PUC has reviewed Sections 51.11 and 51.13 and determined that the terms “Control,” “Operate,” “Subcontract” and “Substantial objective” are not used in Sections 51.11 or 51.13. We are mindful of IRRC’s comment, *supra*, that Section 2.11 of the *Pennsylvania Code & Bulletin Style Manual* proscribes defining unused terms. While it was initially the PUC’s intent to eliminate the definition sections in the Policy Statement, 52 Pa. Code §§ 69.802 and 69.802a, we now recognize that a definition section in the Policy Statement is still necessary to include the terms only used in the Policy Statement. Accordingly, the PUC will add these definitions to the Diversity Policy Statement at 52 Pa. Code § 69.802 after this rulemaking is concluded. Removing the term “substantial objective” from the regulation also addresses C&T Utilities’ concern, stemming from this term and definition, over the appearance of the PUC setting a quota. Since this term is no longer defined in the regulation, this concern is no longer an issue.

With respect to the term “Exempt procurement” the PUC has made additional amendments to the language now Section 51.13, *infra*, wherein this term is now used in the regulation. Accordingly, we leave this term defined in Section 51.12(c).

D. § 51.13⁷—Diversity Reporting Requirement.

The PUC received comments from CAUSE-PA, C&T Utilities, Duquesne Light, EAP, IRRC, PECO, PGW, and UGI generally supporting the language now in Section 51.13 but recommending amendments.

1. Consistency of Terms Used

Prior to receiving public comments, the PUC received correspondence from the OAG on May 5, 2021, indicating that its approval of the PUC’s diversity reporting regulation for form and legality was contingent upon the PUC replacing the term “diverse-owned business” with “MBE/WBE.” The OAG explained that the PUC had not defined “diverse-owned business” and therefore this term should not be used in Chapter 51.

⁶ Formerly Section 51.14.

⁷ Formerly Section 51.15.

Disposition

In accordance with the OAG’s required change, the PUC amends the language now in Section 51.13 by removing the term “diverse-owned business” from subsection (a)(8) and replaces this term with “MBE/WBE.” Additionally, the PUC keeps the terms “MBE” and “WBE” defined in Section 51.12(c) since these terms are now used in Chapter 51.

2. Items Required for Reporting

CAUSE-PA asserts that the language now in Section 51.13(a)(2) should be amended as follows: “goods and services, including the number of trainings, number of attendees, department trained, and topics covered.” CAUSE-PA’s Comments at 10. It contends that this amendment allows the PUC and stakeholders to evaluate the nature and frequency of the trainings conducted. Id. CAUSE-PA also suggests that Section 51.13(a)(4) should be amended as follows: “[a] description of diversity recruiting strategies, and how those strategies are designed to reach underrepresented communities.” Id. It asserts that this amendment will help the PUC determine if utilities have promoted recruitment in communities that are underrepresented or at-need. Id. At 10-11. Finally, CAUSE-PA recommends amending Section 51.13(a)(6) to require annual reporting related to “[a] description of diversity retention efforts, including identified disparities in workforce retention.” Id. At 11. CAUSE-PA contends that requiring utilities to report not only on their diversity retention efforts, but also to specifically identify disparities in the utilities’ ability to maintain diversity in the workforce since the last annual report, will allow the PUC to better examine trends amongst utilities to recruit and retain a diverse workforce.

Disposition

The PUC has previously encouraged major jurisdictional utilities to file diversity reports with the PUC. In 2020, the PUC updated the recommended reporting criteria on which the PUC received comments from the regulated community. See 51 Pa.B. 435. The purpose of enumerating the reporting criteria was to encourage a more uniform report of major jurisdictional utilities’ diversity efforts. As previously mentioned, supra, this rulemaking is the next step where the PUC is now requiring major jurisdictional utilities to file the diversity information that we previously recommended that major jurisdictional utilities file. In order to maintain consistent records concerning major jurisdictional utilities’ diversity data, the PUC makes no further changes to the reporting criteria enumerated in Section 51.13.

3. Reporting Requirements for Smaller Major Jurisdictional Utilities

C&T Utilities suggests modifying the filing requirement to track the requirements in 52 Pa. Code § 69.809(a). C&T Utilities Comments at 6. The PUC recently adopted an Amended Policy Statement setting forth the elements of the expected annual diversity filing. 51 Pa.B. 435. Those requirements are repeated in Section 51.13(a) but with slight modifications by eliminating the word “any” in requirements 1 through 7. Id. C&T Utilities recommends reinserting “any” into those provisions. Id. Without the word “any,” the regulations appear to presuppose that all of those items must be part of the utility’s diversity efforts. Id. That conclusion would undermine the major jurisdictional utility’s managerial discretion to establish and oversee the policies for the utility. Id.

C&T Utilities also suggests adding subsection (d) to Section 51.13 in consideration of smaller utilities that

meet the definition of a major jurisdictional utility. Id. It recommends adding the following language to the proposed subsection: “For major jurisdictional utilities with 100 employees or less, the PUC shall accept reports that vary from the elements specified in subsection (a).” Id. At 8.

C&T Utilities submits that utilities with 100 employees or less are not required to submit workforce data under the EEOC requirements. Id. At 6. Additionally, they are not subject to the SEC regulations and do not file the SEC’s Diversity Assessment Report. Id. At 6-7. C&T Utilities contends that unlike the larger utilities who are required to compile data for the EEOC and/or SEC, the PUC’s filing requirements are unique and provide incremental obligations for C&T Utilities members. Id. At 7. While those utilities covered by the EEOC and/or SEC reporting regime may have comprehensive systems to solicit data from new and existing employees, smaller entities may not have the same robust information. C&T Utilities thus urges the PUC to be flexible in evaluating the reporting elements submitted by smaller utilities. Id.

Disposition

The PUC makes no further changes to the criteria listed in Section 51.13. The reporting requirements enumerated in Section 51.13 are simply areas of inquiry of which the PUC seeks to stay apprised. The determination not to carry over the use of the modifier “any” from the Policy Statement to the regulation requires major jurisdictional utilities to report on all of the items listed in Section 51.13(a). The PUC finds C&T Utilities concern unfounded. Aside from asserting that Section 51.13(a) infers those major jurisdictional utilities must have the diversity efforts listed therein, C&T Utilities points to no authority in the Public Utility Code, upon which the PUC could rely, to compel major jurisdictional utilities to have the listed items. If a major jurisdictional utility does not have an item listed under Section 51.13(a), the major jurisdictional utility would simply report as such to the PUC. The PUC would have no further recourse to compel the major jurisdictional utility to take further diversity efforts. As such, the PUC refrains from changing the language in Section 51.13(a).

With respect to C&T Utilities’ request that the PUC create an exemption for smaller major jurisdictional utilities reporting, the PUC refrains from creating such an exemption. As previously discussed, the PUC cannot compel major jurisdictional utilities to implement diversity programs. The reporting requirement in Section 51.13 is simply requiring major jurisdictional utilities to report the items listed thereunder, and if there are items which a major jurisdictional utility does not have, then that item shall be reported as such. This regulation only compels reporting, and as such, there is no need to create an exemption for smaller major jurisdictional utilities.

4. LGBTQ Reporting

EAP notes that Section 51.13(a)(3) does not include “LGBTQ” for reporting but that the term is included on the form. EAP Comments at 7. EAP suggests that the regulatory language be amended to include “LGBTQ” designation in the list of demographic information reported. Id. IRRC points to and agrees with EAP’s comment that “LGBTQ” should be added to subsection (a)(3) because it is noted on the Demographics of Utility Workforce Form. IRRC Comments at 3. PGW also requests that the PUC modify the regulatory language as the “LGBTQ” classification is not listed but all other

classifications are listed. PGW Comments at 3. It further notes that “LGBTQ” is listed on the reporting form. Id. At 3.

Disposition

The PUC agrees with EAP, IRRC and PGW regarding the reporting of LGBTQ in subsection (a)(3). The PUC initially omitted “LGBTQ” from the list in Section 51.13(a)(3) because the PUC was concerned with the voluntariness of reporting the number of LGBTQ employees. However, with the addition of subsection (d) expressly noting the voluntariness and confidentiality of major jurisdictional utilities’ employees reporting their LGBTQ status, the PUC adds “LGBTQ” to the demographics to be reported in subsection (a)(3).

5. Reporting Diversity on Default Service Procurement

Duquesne Light recommends inserting excepting language with respect to procuring default service. Duquesne Light Comments at 3. It posits that these suppliers are selected following the requirements of 52 Pa. Code § 54.186 which include, among other things, an emphasis on the “least cost to customers over time.” Also, the size of this purchase would overshadow diversity in the procurement of professional services, equipment, and materials. Duquesne Light recommends inserting excepting language in item (a)(8) so that default service procurement is excluded from the report in the summary of the percentage of dollars spent with MBEs/WBEs versus businesses that are not MBEs/WBEs. Id. By excluding default service supply, more focus can be placed on areas of procurement for which the utility has more direct control, and which can arguably have greater impact in the local community it serves. Id. At 3-4.

Disposition

The PUC agrees that default service procurement should be excluded from a major jurisdictional utility’s reporting of diversity demographics. EDCs have to follow distinct parameters when procuring default service and including default service providers as a vendor would cause inaccuracies in EDCs’ reporting of their respective diversity demographics among vendors. To address this issue, the PUC makes two amendments to Chapter 51. First, we add to the definition of “Exempt procurement” in Section 51.12(c) subsection (v) to read, “default service procurement and implementation plans pursuant to 52 Pa. Code § 54.186.” Second, we add a sentence to Section 51.13(a)(8) reading “exempt procurements are excluded from this summary.” This amendment further addresses C&T Utilities’ concern regarding the lack of use of the term “Exempt procurement” in Chapter 51 and justifies keeping this term defined within the regulation rather than the Policy Statement.

6. Time Period Being Reported, Report Date and Implementation Date

EAP recommends moving the diversity reporting deadline to March 31. EAP suggests that changing the reporting date from March 1 to March 31 of each year will better align with other reports major jurisdictional utilities file annually. EAP Comments at 7. EAP reads the NOPR as the diversity report due date as the March following a full calendar year after the effective date. Id. EAP recommends making a clear effective date for this new report. Id. Many of EAP’s members do not currently collect information from employees concerning disability or LGBTQ designation either at the time of employment or in an annual survey, and, when the information is solicited, the employee option to respond is voluntary. Id. at 7. Major jurisdictional utilities will be working to build

processes and systems and train employees to collect this information. Id. This will take time, and EAP proposes that the first report under this new regulation be due no earlier than March 31, 2023, for calendar year 2022. Id.

IRRC recognized that other commenters suggested that the regulation begin with the data collection for January 1, 2022, through December 31, 2022, and that the reporting obligation begin with the filing of a utility annual report in 2023. IRRC asks that we consider the suggestion and amend the implementation timeline as suggested by commenters or explain why it is not reasonable or appropriate to do so. Id. at 2.

PGW also requests delaying the implementation and enforcement of the mandatory reporting information in the NOPR until the March 2023 report (for 2022) data. PGW Comments at 4. This will allow additional time for utilities, to implement the necessary confidential data collection and storage processes to provide the PUC with the requested information. Id.

PAWC notes that the rulemaking does not specify the time period that is to be represented in each annual diversity report. PAWC Comments at 3. PAWC has submitted past diversity reports for the calendar year (January 1 to December 31) immediately preceding the March 1 filing date. Id. PAWC requests that the PUC specify the time period for major jurisdictional utility reports as January 1 to December 31 of the calendar year preceding the March 1 filing date. Id. at 3-4.

UGI also asks the PUC to clarify the term “for the prior year” that it expects major jurisdictional utilities to include in their report. UGI Comments at 7. Specifically, it seeks clarification as to whether the reporting year will be done on a calendar year or a fiscal year basis. Id. UGI further seeks clarification as to what date is to be used to capture/complete the Demographics of Utility Workforce Form data. Id. UGI points to Affirmative Action plans reports it files as of December 31 for employers with calendar year plans and the EEO-1 Report, as examples of reports requiring employment data from a workforce snapshot period, which is any pay period from October through December. Id.

PECO suggests moving the diversity reporting deadline to March 31. It opines that preparing diversity reports requires a concerted effort across its departments and its other diversity reports in other jurisdictions are due on March 31 as opposed to March 1. PECO Comments at 1.

Disposition

The PUC adopts PAWC and UGI’s recommendation and expressly states the time period required for the diversity report. As such, the language “starting January 1 and ending December 31” is added to the end of the first sentence of the language now in Section 51.13(a). Further, we agree that the reporting date for the annual diversity report, should be in line with other jurisdictional reporting dates, and so we adopt PECO’s recommendation, to move the annual diversity report date to March 31.

Further, the PUC acknowledges that major jurisdictional utilities that do not already track persons with disabilities and LGBTQ status will need time to implement the proper procedures to accomplish this. As such, the PUC clarifies that the effective date for major jurisdictional utilities to commence submitting their respective annual diversity reports is March 31, 2023, beginning with the year 2022.

7. *Demographics of Utility Workforce Reporting Treatment*

Several commenters recommend the PUC should treat the demographic information each major jurisdictional utility submits to the PUC as confidential.

EAP requests that the PUC consider including clarifying language in the final regulations that would explicitly permit utilities to report metrics such as disability or LGBTQ employee composition by indicating that such information is not collected by the utility at this time. EAP Comments at 5. Such clarifying language would allow those utilities with disability or LGBTQ data reporting processes in place to provide such information immediately, while at the same time, clarifying the reporting obligations for those utilities which must develop such reporting processes. *Id.* Ultimately, such a caveat would allow for the data that is reported in this space to be more accurate and precise. *Id.*

IRRC raises concerns with how the PUC will handle the demographic information. It asks the PUC if the public will have access to the information. IRRC recommends that the PUC explain how the information will be treated in the Preamble to the final-form regulation. IRRC Comment at 2.

Duquesne Light and PAWC individually note that the NOPR does not detail how the information included in the annual diversity reports will be treated after filing. Duquesne Light Comments at 2 and PAWC Comments at 2. Given the proprietary and valuable nature of the information to be included in the annual diversity report, PAWC believes that all information included in each annual diversity report should be treated as confidential and be subject to a standing protective order to prevent public disclosure of individual companies' reports. PAWC Comments at 2. While it may be appropriate for the PUC to make aggregate statistics public, PAWC submits that the information contained in annual diversity reports should be subject to the confidentiality protections established in 52 Pa. Code § 5.365. *Id.* at 2. PAWC believes that the internal strategic information and vendor relationships, that are required to be contained in annual diversity reports, qualify as confidential information under Section 5.365. *Id.* at 3. PAWC further requests that major jurisdictional utilities be exempt from filing a petition for protective order when submitting annual diversity reports. *Id.* at 3.

Duquesne Light also notes that federal reporting by employers via the EEO-1 Report is not regularly made public. Duquesne Light Comments at 2. Additionally, Duquesne Light contends that confidential reporting encourages openness. Duquesne Light further explains that as utilities build their internal diversity and inclusion programs, they will need time to communicate data and benchmark internally with their workforce, prior to making it available to the general public. *Id.*

UGI comments that the PUC strikes the appropriate balance with regard to reporting LGBTQ employees between privacy and disclosure as "the form would include the number of LGBTQ employees that a major jurisdictional utility employs with the caveat that only employees who agree to be counted in LGBTQ diversity report may be included in the report." UGI Comments at 5.

Disposition

As previously noted, the reporting of persons with disability and LGBTQ could raise privacy concerns. Expressly recognizing this information and the data reported as confidential, provides protection from public

disclosure, namely the Right-to-Know Law, 65 P.S. §§ 67.101—67.3104. Furthermore, we recognize that this information will contain proprietary information regarding individual major jurisdictional utilities' diversity initiatives which may provide a competitive advantage to individual major jurisdictional utilities. As such, the PUC has a duty to protect such competitive information from public disclosure. Accordingly, the PUC amends Section 51.13 by amending subsection (b) to read "[t]his information and form shall be filed confidentially in conformance with 52 Pa. Code § 1.32, at a major jurisdictional utility's A-docket."

Further, we add subsection (e) that will read "the information and form filed shall be confidential." The Commission will treat the information and form as exempt from public disclosure under sections 67.707(b) (relating to treatment of requests for trade secrets and confidential proprietary information) and 67.708(b)(5) (disability status), (b)(6) (personal identification information), (b)(11) (trade secrets or confidential proprietary information), and (b)(28) (eligibility to receive social services) of the Right-to-Know Law (65 P.S. §§ 67.707(b), 67.708(b)(5), (6), (11), and (28)) regarding exceptions for public records. In addition, pursuant to the right to privacy under the Pennsylvania Constitution, as espoused by the *Pennsylvania Supreme Court in Pennsylvania State Education Association v. Office of Open Records*, 148 A.3d 142 (Pa. 2016), the PUC shall assert that the personal information relating to employees as submitted by a major jurisdictional utility to the PUC is exempt from disclosure.

E. Utility Workforce Form

The PUC received comments from CAUSE-PA, Duquesne Light, EAP, PAWC and UGI regarding the Demographics of Utility Workforce Form. PAWC expressed general support for the Demographics of Utility Workforce Form in its current state. PAWC's Comments at 3. CAUSE-PA, Duquesne Light, EAP and UGI recommended amendments which we address.

1. Gender

CAUSE-PA recommends including the following two additional selections for Gender: "Nonbinary" and "Prefer to Self-Describe." CAUSE-PA's comments at 11-12. CAUSE-PA notes that other Commonwealth agencies have moved towards more inclusive reporting and gender identity such as PennDOT adding a nonbinary option for driver licenses. PennDOT now offers an "X" instead of "M" or "F." *Id.* at 12.

Duquesne Light is supportive of the PUC's efforts to be inclusive of all gender and sexual identities through the expansion of its definition of LGBTQ in the 2020 updates to the Policy Statement. With respect to the Demographic Composition of Workforce Form, it recommends including a third option for major jurisdictional utility employees who do not self-identify as either male or female. *Id.* Duquesne Light suggests in the alternative that the PUC could add a footnote to explicitly state that the two gender columns may not be inclusive of all employees under each job category. *Id.* at 3.

Disposition

In order to ensure accurate reporting, the PUC keeps gender limited to male and female. The term "LGBTQ" encompasses individuals who are transgender and/or individuals who identify their gender as non-binary. As the term "LGBTQ" already accounts for these individuals, the addition of a third option for gender could cause inaccurate results.

2. *LGBTQ Reported in Aggregate*

EAP notes that the PUC-requested reporting is based on the EEO-1 Report, which requires disclosure on workforce demographics by job category. The EEO-1 Report, however, does not include LGBTQ as a reportable category. *Id.* at 5-6 n.4. EAP recommends that the PUC consider requiring that the information for LGBTQ be reported in the aggregate because reporting LGBTQ information by job category could undermine privacy in the event the category size is small. *Id.* at 6 n.4.

EAP also raises concerns that the guidelines in the Diversity Policy Statement remain discretionary and believes the proposed form necessary to comply with the reporting requirement should be included in the regulation. *Id.* at 6. EAP contends that the form must be codified in some way to maintain clear expectations and avoid any changes that are not vetted through the public regulatory process. *Id.* at 6.

Disposition

As has been previously addressed, *supra*, the diversity data being filed pursuant to Section 51.13 will be confidential and not subject to public disclosure. As this information will be treated as confidential, there is no need to aggregate the diversity data regarding LGBTQ status. Further, we have expressly noted in the regulation and on the Demographics of Utility Workforce Form that the reporting of LGBTQ status is purely voluntary on the part of the employee identifying as such. With these safeguards in place for both persons with disability and persons identifying as LGBTQ, the PUC keeps LGBTQ as a distinct category for each job title on the Demographics of Utility Workforce Form.

With respect to EAP's concern of codifying the Demographics of Utility Workforce form, we reiterate that it is the regulation, not a form, that specifies the information to be reported. The form does not control what is to be reported. The PUC has expressly noted in Section 51.13(a)(3) that all of the diversity demographic data is to be reported by entry on the Demographics of Utility Workforce form which will be provided by the PUC. The PUC makes the Demographics of Utility Workforce Form, as presently designed and as may be changed from time to time, available with the other forms the PUC makes available to public utilities.

3. *Job Categories*

UGI notes that the EEO-1 Report includes separate job categories for "Sales Workers," "Craft Workers," "Operatives," "Laborers and Helpers," and "Service Workers" to report the number of diverse employees filling these roles. UGI's Comments at 6. UGI notes that the PUC's Demographics of Utility Workforce form does not have these categories and asks if these employee positions should be put in the "All Others" category. *Id.* UGI specifically asks if "Sales Workers" should be included in "Professional" category or in the "All Others" category. *Id.* UGI also asks for clarification of whether the PUC expects major jurisdictional utilities to report on activities related to the diversity programs mentioned in the revised policy statement, 52 Pa. Code §§ 69.803—69.808. *Id.* at 6-7.

Disposition

The PUC amends the Demographics of Utility Workforce Form to include "Sales Workers," "Craft Workers,"

"Operatives," "Laborers and Helpers," and "Service Workers." In turn, we delete "All Others" so that the Demographics of Utility Workforce Form is more closely aligned with the EEO-1 Report. To be clear, the Diversity Policy Statement does not impose any duty on major jurisdictional utilities. Regardless of whether a major jurisdictional utility has implemented programs to develop diversity, this regulation directs all major jurisdictional utilities to report all of the items listed in Section 51.13(a). The only information major jurisdictional utilities are compelled to file is listed in Section 51.13(a). The PUC is not directing the filing of any other information not listed in Section 51.13(a).

Conclusion

Accordingly, pursuant to 66 Pa.C.S. §§ 501 and 504 and pursuant to our sua sponte reconsideration of our April 14, 2022 Order at this docket, we adopt as final the revisions to 52 Pa. Code §§ 51.11—51.13 as set forth in Annex A, attached hereto.⁸ We note that any issue, comment, or reply comment requesting a further change to this Rulemaking or objecting to a possible change, but which we may not have specifically delineated herein, shall be deemed to have been duly considered and denied at this time without further discussion. The PUC is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. Pub. Util. Comm'n.*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also, generally, *U. of PA v. Pa. Pub. Util. Comm'n.*, 485 A.2d 1217 (Pa. Cmwlth. 1984); *Therefore*,

It Is Ordered That:

1. The Public Utility Commission hereby adopts the revised final regulations as set forth in Annex A to this Final Rulemaking Order On Reconsideration.
2. The Secretary shall serve a copy of this Final Rulemaking Order On Reconsideration and Annex A on all major jurisdictional utilities and all other parties to this proceeding.
3. A copy of this Final Rulemaking Order On Reconsideration and Annex A shall be posted on the Public Utility Commission's website.
4. The Law Bureau shall submit this Final Rulemaking Order On Reconsideration and Annex A for review by the Legislative Standing Committees and for review and approval by the Independent Regulatory Review Commission.
5. Thereafter the Law Bureau shall submit this Final Rulemaking Order On Reconsideration and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
6. Thereafter the Law Bureau shall submit this Final Rulemaking Order On Reconsideration and Annex A to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
7. The final regulations embodied in Annex A shall become effective upon publication of the Final Rulemaking Order On Reconsideration and Annex A in the *Pennsylvania Bulletin*.

⁸ The Annex appended to the April 14, 2022 Order at this docket is hereby rescinded and replaced by the Annex A appended hereto.

8. The contact persons for this Final Rulemaking On Reconsideration are Joseph P. Cardinale, Jr. Assistant Counsel, jcardinale@pa.gov, and Rhonda L. Daviston, Assistant Counsel, rdaviston@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: June 16, 2022

ORDER ENTERED: June 16, 2022

(Editor's Note: See 52 Pa.B. 4479 (August 6, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 57-332 remains valid for the final adoption of the subject regulations.

Appendix A
Demographic Composition of Workforce
 Form to be used by
 Major Jurisdictional Utilities
Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services

<i>Demographics of Utility Workforce</i>		<i>52 Pa. Code §§ 51.11—51.13</i>									
<i>Total Number of Employees: _____</i>		<i>Utility Name: _____</i>		<i>Year Reported: _____</i>							
<i>A-Docket Number: _____</i>		<i>Race and Ethnicity</i>									
<i>Job Categories</i>	<i>Gender</i>		<i>Not Hispanic or Latino</i>						<i>Person with Disabilities (Only employees who agreed to be reported)</i>	<i>LGBTQ (Only employees who agreed to be reported)</i>	<i>Veteran</i>
	<i>Male</i>	<i>Female</i>	<i>Hispanic or Latino</i>	<i>White</i>	<i>Black or African-American</i>	<i>Asian</i>	<i>Native American or Alaska Native</i>	<i>Native Hawaiian or Pacific Islander</i>			
Executive/Senior Level Officials & Managers											
First/Mid-Level Officials & Managers											
Professionals											
Technicians											
Sales Workers											
Administrative Support Workers											
Craft Workers											
Operatives											
Laborers and Helpers											
Service Workers											
Totals											

Annex A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 51. GENERAL PROVISIONS
DIVERSITY

§ 51.11. General.

The Commission’s Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809 (relating to diversity at major jurisdictional utility companies—statement of policy) provides recommendations for addressing diversity issues. While the means by which a major jurisdictional utility addresses diversity in its workforce and vendor supply chains should be utility-specific, the results of such efforts shall be reported in accordance with this chapter annually by each major jurisdictional utility. Failure to conform with this chapter may result in civil penalties under 66 Pa.C.S. § 3301 (relating to civil penalties for violations).

§ 51.12. Definitions.

(a) The following words and terms, when used in §§ 51.11 and 51.13 (relating to general; and diversity reporting requirement) and in the Commission’s Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809 (relating to diversity at major jurisdictional utility companies—statement of policy), in the context of major jurisdictional utility employees and vendors have the following meanings:

Diversity—The attainment of organizational objectives by maximizing the contributions of individuals from every segment of the population including minorities, women, persons with disabilities, LGBTQ and veterans.

LGBTQ—Lesbian, gay, bisexual, transgender, queer and questioning—This term also includes gender non-conforming individuals.

Major jurisdictional utility—An electric, natural gas, water or wastewater utility whose net plant in service is valued at \$10 million or more.

Person with disabilities—A person who has a disability as defined in the Americans With Disabilities Act (ADA) (42 U.S.C.A. § 12102—12213).

Veteran—A person who meets any veteran category defined in 41 CFR 61-300.2 (relating to what definitions apply to this part?)

(b) The following words and terms, when used in §§ 51.11 and 51.13 in the context of major jurisdictional utility employees have the following meanings:

Black or African American (not Hispanic or Latino)—A person having origins in any of the black racial groups of Africa.

Asian (not Hispanic or Latino)—A person having origins in any of the original peoples of the Far East, southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

Native American or Alaska Native (not Hispanic or Latino)—A person having origins in any of the original

peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment.

Native Hawaiian or Pacific Islander (not Hispanic or Latino)—A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.

Two or more races (not Hispanic or Latino)—A person who identifies with more than one of the five races identified in this section.

White (not Hispanic or Latino)—A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

(c) The following words and terms, when used in §§ 51.11 and 51.13 and in the Commission’s Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809, in the context of a vendor with whom a major jurisdictional utility does business, have the following meanings, unless the context clearly indicates otherwise:

Exempt procurement—A product or service which may be removed from the dollar base used to establish minimum improvement levels, because of the demonstrated unavailability of a minority/women/people with disabilities/LGBTQ/veteran-owned business currently capable of supplying a product or service. the term may also include one or more of the following situations:

(i) The vendor is the original equipment manufacturer.

(ii) The vendor is the only known source of the product or service.

(iii) A plant emergency situation dictates use of a specific vendor.

(iv) The purchase is from an affiliate, corporate parent, or a subsidiary.

(v) Default service procurement and implementation plans under 52 Pa. Code § 54.186 (relating to default service procurement and implementation plans).

MBE—Minority-owned business enterprise—A business enterprise that is at least 51% owned by a minority individual or group or individuals; or a publicly-owned business that has at least 51% of its stock owned by one or more minority individuals, and whose management and daily business operations are controlled by these individuals.

Minority—Black American, Hispanic American, Native American, Asian-Pacific American or any other socially disadvantaged individual as defined in 13 CFR 124.103 (relating to who is socially disadvantaged?).

WBE—Women-owned business enterprise—A business enterprise that is at least 51% owned by a woman or women; or a publicly owned business that has at least 51% of its stock owned by one or more women, and whose management and daily business operations are controlled by one or more women.

§ 51.13. Diversity reporting requirement.

(a) Each major jurisdictional utility shall file with the Secretary of the Commission by March 31 of each year, an annual report describing its diversity program activity for the prior year starting January 1 and ending December 31. The annual report shall contain the following elements:

(1) A copy of corporate policy committed to improving diversity in the workplace and in the procurement process.

(2) A description of training implemented on diversity initiatives in employment and in the contract of goods and services.

(3) The demographic composition of the major jurisdictional utility's workforce, reporting the number of employees by gender, race and ethnicity, LGBTQ, persons with disabilities and veterans, on a form, Demographics of Utility Workforce, to be provided by the Commission.

(4) A description of diversity recruiting strategies.

(5) A description of diversity promotion efforts.

(6) A description of diversity retention efforts.

(7) A brief description of involvement with organizations promoting diversity.

(8) A brief summary of MBEs/WBEs that the major jurisdictional utility contracts with for goods and services. Includes percentage of dollars spent with MBEs/WBEs versus businesses that are not MBEs/WBEs. Exempt procurements are excluded from this summary.

(b) This information and form shall be filed confidentially in conformance with the filing specifications at § 1.32 (relating to filing specifications), at a major jurisdictional utility's A-docket.

(c) The Commission will use all available remedies to ensure reporting compliance including fines.

(d) Reporting of persons with disability and LGBTQ status shall be confidential and voluntary on the part of the employee.

(e) The information and form filed shall be confidential.

[Pa.B. Doc. No. 22-1417. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations concerning American shad fishing in the Delaware River, West Branch Delaware River and River Estuary.

A. *Effective Date*

This final-form rulemaking shall take effect on January 1, 2023.

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Changes*

American shad are an anadromous species. Adults inhabit the marine waters of the Atlantic Ocean, annually returning to natal freshwater systems during spring for spawning. Young-of-the-year utilize freshwater systems as nurseries, before out-migrating during fall. American shad fulfill a foundational ecological role as forage for many piscivores within oceanic, coastal and connected inland waters, in addition to supporting well-established recreational and commercial fishing opportunities throughout their range along the Atlantic Coast.

Multiple Federal, state and tribal jurisdictions jointly manage American shad fisheries along the Atlantic Coast, including the Atlantic States Marine Fisheries Commission (ASMFC) and specifically within the Delaware River basin, the Delaware River Basin Fish and Wildlife Management Cooperative (Co-op). The Commission is a member of both entities. ASMFC's Amendment 3 to the Interstate Fishery Management Plan for shad and river herring requires Delaware River Basin states jointly submit a Sustainable Fisheries Management Plan for continuance of American shad fisheries for all connected waters within the Delaware River Basin.

In 2020, the ASMFC stock assessment workgroup developed the most current consensus population assessment for the Atlantic Coast. Findings specific to the Delaware River Basin indicated the Delaware River American shad population is experiencing unsustainable mortality. Given the ASMFC stock assessment workgroup findings, Co-op members, including this Commonwealth, have agreed to reduce American shad harvest by approximately 33% for both the recreational and commercial fisheries.

This Commonwealth does not have a commercial fishery for American shad; however, a popular recreational fishery exists in the Delaware River Basin. Given the agreed upon 33% reduction in American shad harvest by Co-op member states, it is recommended that the Commission amend the daily creel of American shad from three to two fish per day on waters managed under § 61.2. New York, New Jersey and Delaware are seeking similar reductions to the recreational daily creel limits within their respective jurisdictional waters in the Delaware River Basin.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

A notice of proposed rulemaking was published at 52 Pa.B. 3320 (June 11, 2022). The Commission received one public comment supporting the proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth

Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

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

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 61, are amended by amending § 61.2 to read as set forth at 52 Pa.B. 3320.

(B) The Executive Director will submit this order and 52 Pa.B. 3320 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 3320 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-326 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1418. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to unlawful methods of taking fish.

A. Effective Date

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

B. Contact Person

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

C. Statutory Authority

The amendment to § 63.5 (relating to methods of fishing) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. Purpose and Background

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

E. Summary of Changes

Over the last several seasons, Waterways Conservation Officers (WCO) of the Commission have asked to update § 63.5 to include the attempt to take fish by unlawful methods. WCOs have noticed an increase in individuals using nets to attempt to take fish. This request is primarily in response to issues during the Steelhead Run in the Lake Erie tributaries but would have application in other areas of this Commonwealth. For consistency, similar language exists in § 63.9 (relating to snatch fishing, foul hooking and snag fishing).

Staff from the Commission's Bureau of Law Enforcement have conferred and support a change to the regulation that would prohibit the attempt to take fish by unlawful methods.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

A notice of proposed rulemaking was published at 52 Pa.B. 3321 (June 11, 2022). The Commission received a total of one public comment opposing the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of one public comment opposing the proposal was received.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by amending § 63.5 to read as set forth at 52 Pa.B. 3321.

(B) The Executive Director will submit this order and 52 Pa.B. 3321 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 3321 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-330 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1419. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to bowfishing.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 63.8 (relating to long bows, crossbows, spears and gigs) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Changes*

The Commission, specifically the Bureau of Law Enforcement (Bureau), has received an increasing number of complaints regarding bowfishing. Most of these complaints revolve around the intense bright lighting used to locate fish along the shoreline. In addition to the lighting, the noise created by the internal combustion, gas-powered generators used by some to operate the lighting has also generated complaints to the Bureau and created conflicts with property owners along Commonwealth waterways.

After receiving feedback from agency staff, property owners, anglers, fishing guides and legislators, staff have conferred and support a clarification of the regulation.

The Law Enforcement Committee considered this proposal on December 15, 2021, and recommended the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

A notice of proposed rulemaking was published at 52 Pa.B. 1494 (March 12, 2022). The Commission received a total of 34 public comments regarding the proposal: 1 supports the proposal, 29 oppose the proposal and 4 do not pertain to the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of 34 comments were received: 1 supported the proposal, 29 opposed the proposal and 4 comments did not pertain to the proposal.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by amending § 63.8 to read as set forth at 52 Pa.B. 1494.

(B) The Executive Director will submit this order and 52 Pa.B. 1494 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 1494 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-321 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1420. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat

Code) (code). The amendment updates the Commission's regulations pertaining to allowable fishing devices for use in Commonwealth waters.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 63.9 (relating to snatch fishing, foul hooking and snag fishing) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Changes*

Over the last several years, anglers have asked the Commission whether devices such as trout beads are a legal device for use in Commonwealth waters. These devices consist of a small bead that sits several inches above the hook and generally hook a fish on the outside of the mouth. Under the current regulations, any fish not hooked inside the mouth must be released unharmed to the waters it was taken from.

Commission staff from the Bureaus of Law Enforcement and Fisheries have conferred and support a clarification of the regulations which would permit these devices.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

A notice of proposed rulemaking was published at 52 Pa.B. 3322 (June 11, 2022). The Commission received a total of two public comments regarding the proposal: one supports the proposal and one opposes the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of two comments were received: one supported the proposal and one opposed the proposal.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by amending § 63.9 to read as set forth at 52 Pa.B. 3322.

(B) The Executive Director will submit this order and 52 Pa.B. 3322 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 3322 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-331 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1421. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to fish processing at noncommercial officially-recognized fish cleaning stations.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 63.15a (relating to officially-recognized fish cleaning stations) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Changes*

Waterways Conservation Officers (WCO) of the Commission are requesting that a 2-inch by 2-inch piece of

skin remain on fish fillets and the chunking of the fillets be prohibited. This will assist in the identification of fish that are harvested and processed at noncommercial officially-recognized fish cleaning stations throughout this Commonwealth. Without the skin, it is difficult for WCOs to identify the species of fish from the fillet. Chunking makes it difficult for WCOs to identify the number of fish filleted.

Staff from the Commission's Bureau of Law Enforcement have conferred and support a change to the regulation which would prohibit the removal of skin from fish fillets at noncommercial officially-recognized fish cleaning stations. This will simplify the identification of the fish that are harvested or processed at these locations.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

A notice of proposed rulemaking was published at 52 Pa.B. 3434 (June 18, 2022). The Commission received a total of two public comments opposing the proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and a total of two comments were received: both opposed the proposal.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by amending § 63.15a to read as set forth at 52 Pa.B. 3434.

(B) The Executive Director will submit this order and 52 Pa.B. 3434 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 3434 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-332 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1422. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment removes Penns Creek, Section 03, from the Commission's miscellaneous special regulations.

A. Effective Date

This final-form rulemaking shall take effect on January 1, 2023.

B. Contact Person

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

C. Statutory Authority

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

D. Purpose and Background

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

E. Summary of Changes

Penns Creek is a large, limestone-influenced stream that supports a robust wild brown trout fishery in its upstream reaches. The stream is approximately 67 miles in length and is delineated into 8 stream sections for fisheries management purposes. The Commission has documented wild trout in approximately 37 miles of the stream from the headwaters downstream to Glen Iron, with approximately 29 miles being designated as Class A wild trout waters. Penns Creek, Section 03, extends for 7.0 miles from the confluence with Elk Creek in Coburn downstream to 600 meters downstream of the confluence with Swift Run. Section 03 was managed as a stocked trout fishery until 1992 when it was designated by the Commission as a Class A wild trout stream and the stocking of hatchery-reared trout was discontinued in favor of wild trout management.

To address landowner and angler feedback, increase the abundance of large wild brown trout in the population, and provide the opportunity to use all tackle types and harvest some trout, a new miscellaneous special regulation in § 65.24 regarding slot limit was established on Penns Creek, Section 03, beginning January 1, 2014. The slot limit regulation allows for year-round fishing, use of all tackle types, and the harvest of two trout per day that are at least 7 inches but less than 12 inches in length, from the opening day of the regular season for trout through Labor Day, with no harvest permitted the remainder of the year.

Penns Creek, Section 03, provided a unique opportunity to evaluate this new special regulation on a productive limestone stream. The Penns Creek trout population was monitored before and after implementation of the slot

limit regulation. Results of the monitoring revealed a substantial increase in the electrofishing catch rates of larger brown trout (greater than or equal to 16 inches in length) during the slot limit regulation implementation period (2014–2019). These results suggest that the slot limit regulation likely played an important role in the increased electrofishing catch of large brown trout in Section 03. In addition to fishery independent monitoring, staff conducted an angler use, harvest and opinion survey to evaluate the social aspects of the regulation change and estimate angler harvest in 2019. Results documented low harvest of trout during the survey and high angler support for continuance of the slot limit regulation. Despite low angler harvest under the current slot limit regulation, this regulation provides the opportunity for anglers to harvest intermediate-sized trout if desired, which was an important social consideration when the regulation was originally implemented.

Given the success of the experimental slot limit regulation program on Penns Creek, Section 03, and potential opportunities to utilize this regulation at other suitable wild trout waters, the Commission established a new special regulation program known as trout slot limit in 2021. The trout slot limit program has two subprograms: all-tackle trout slot limit and artificial lures only trout slot limit. As such, it is recommended that Penns Creek, Section 03, be removed from miscellaneous special regulations in favor of management under the newly established trout slot limit program. Upon removal of this regulation, Penns Creek, Section 03, will be proposed for designation into the all-tackle trout slot limit program § 65.4c (relating to all-tackle trout slot limit) at a quarterly Commission meeting later in 2022 with an implementation date of January 1, 2023. If approved, the name of the regulation applied to Penns Creek, Section 03, will change; however, the regulation itself would remain the same.

To facilitate transition of Section 03 into the all-tackle trout slot limit program, this water must first be removed from miscellaneous special regulations. Other fish species will be managed with Commonwealth inland waters angling regulations in § 61.1 (relating to Commonwealth inland waters).

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

A notice of proposed rulemaking was published at 52 Pa.B. 1494 (March 12, 2022). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

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

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 52 Pa.B. 1494.

(B) The Executive Director will submit this order and 52 Pa.B. 1494 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 1494 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-324 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1423. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment removes Little Charters Creek, Section 05, from the Commission’s miscellaneous special regulations.

A. Effective Date

This final-form rulemaking shall take effect on January 1, 2023.

B. Contact Person

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

C. Statutory Authority

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

D. Purpose and Background

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

E. Summary of Proposal

Little Charters Creek is a 17.5-mile long tributary to Charters Creek in Washington County, approximately 6 miles east-northeast of the City of Washington. Little

Chartiers Creek is delineated into five stream sections for fisheries management purposes and is impounded at river mile 0.37, creating Canonsburg Lake, a 76-acre impoundment owned by the Commonwealth and managed by the Commission. Little Chartiers Creek, Section 02, is managed as a stocked trout water (STW) and Canonsburg Lake is managed as an STW open to year-round fishing. The remainder of Little Chartiers Creek (Sections 01, 03—05) is not managed as an STW and not stocked by the Commission with hatchery-reared trout.

Little Chartiers Creek, Section 05, is approximately 0.5 mile in length and extends from the outflow of Canonsburg Lake downstream to the confluence with Chartiers Creek. Although Section 05 is not managed as an STW, this section has been managed under miscellaneous special regulations since the early 1980s. This regulation prohibits angling from the end of the extended season for trout through 8 a.m. on the opening day of the regular season for trout, which aligns with the management of STWs. Historically, the rationale for this special regulation was to prohibit angling in Section 05 during the closure period following the stocking of trout in Canonsburg Lake, which could escape downstream into Little Chartiers Creek. Escapement of stocked trout created unwanted and disruptive angler behavior in Section 05 and warranted management with these special regulations. During the annual regulatory review process, Commission staff determined that these regulations are no longer necessary and recommend deletion. If deleted, this change would simplify regulations and increase angling opportunities while continuing to provide adequate resource protection.

Upon removal of this special regulation, Section 05 will revert to Commonwealth inland waters angling regulations in § 61.1 (relating to Commonwealth inland waters). To facilitate transition of Section 05 to management with Commonwealth inland waters angling regulations, this water must first be removed from miscellaneous special regulations.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

A notice of proposed rulemaking was published at 52 Pa.B. 1496 (March 12, 2022). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

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

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 52 Pa.B. 1496.

(B) The Executive Director will submit this order and 52 Pa.B. 1496 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 1496 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-323 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1424. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 103, 105, 109 AND 111]

Boating

The Fish and Boat Commission (Commission) amends Chapters 103, 105, 109 and 111. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments update the Commission's regulations relating to boat-towed watersports.

A. Effective Date

This final-form rulemaking shall take effect on January 1, 2023.

B. Contact Person

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

C. Statutory Authority

The amendment to § 105.1 (relating to conditions requiring immediate corrective action), is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The amendments to §§ 103.3 and 105.3 (relating to restrictions for special areas; and unacceptable boating practices) are published under the statutory authority of section 5123(a). The amendment to § 109.4 (relating to waterskiing, aquaplaning, kiteskiing and similar activities) is published under the statutory authority of section 5123(a)(5) of the code. The amendments to §§ 111.2, 111.3, 111.6, 111.13, 111.58, 111.64 and 111.66 are published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. Purpose and Background

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

E. *Summary of Changes*

On September 28, 2021, the National Association of State Boating Law Administrators (NASBLA) membership adopted a model act for safe boating practices for boat-towed watersports. This act was originally adopted in 2003, then modified in 2004, 2005 and 2007 to reflect safety issues and current trends in recreational boating activity. In February 2020, the NASBLA Enforcement and Training Committee accepted a charge to examine and update an earlier version of the act, based on new equipment and technologies in towed watersports activities. The revised model act was presented to the NASBLA membership and voted upon at the 2021 annual conference in Pittsburgh, PA. The Commission has reviewed and selected relevant portions of the act to incorporate and modernize its regulations in §§ 103.3, 105.1, 105.3, 109.4, 111.2, 111.3, 111.6, 111.13, 111.58, 111.64 and 111.66. These amendments also include corrections to inconsistent wording relating to these changes.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

A notice of proposed rulemaking was published at 52 Pa.B. 3435 (June 18, 2022). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

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

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapters 103, 105, 109 and 111, are amended by amending §§ 103.3, 105.1, 105.3, 109.4, 111.2, 111.3, 111.6, 111.13, 111.58, 111.64 and 111.66 to read as set forth at 52 Pa.B. 3435.

(B) The Executive Director will submit this order and 52 Pa.B. 3435 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 3435 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-329 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 22-1425. Filed for public inspection September 16, 2022, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to Woodcock Creek Lake, located in Crawford County.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 111.20 (relating to Crawford County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

D. *Purpose and Background*

The specific purpose and background of this final-form amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

Woodcock Creek Lake is a 333-acre flood control project managed by the United States Army Corps of Engineers (USACOE) in Crawford County. Recently, the USACOE Project Manager submitted a request through their Pittsburgh District Office to change the local policy to a 20-horsepower limitation on this impoundment. The USACOE is requesting this horsepower change to allow increased boating opportunities in response to recent upward trends in boating activity. Staff at the project have requested the Commission adopt the same regulatory amendment in the *Pennsylvania Code* so that Waterways Conservation Officers can continue to assist in enforcement of this boating regulation.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. Public Comments

A notice of proposed rulemaking was published at 52 Pa.B. 3324 (June 11, 2022). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

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

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

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending § 111.20 to read as set forth at 52 Pa.B. 3324.

(B) The Executive Director will submit this order and 52 Pa.B. 3324 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 52 Pa.B. 3324 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-328 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1426. Filed for public inspection September 16, 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 September 6, 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>
08-31-2022	Asian Bank Philadelphia Philadelphia County	934 East Passyunk Avenue Philadelphia Philadelphia County	Approved
09-06-2022	Penn Community Bank Doylestown Bucks County	2285 Schoenersville Road Bethlehem Lehigh County	Approved
09-06-2022	Penn Community Bank Doylestown Bucks County	3100 West Tilghman Street Allentown Lehigh County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
09-02-2022	The Gratz Bank Camp Hill Cumberland County Amendment to Articles 1 and 2 of the institution's Articles of Incorporation provides for Article 1 to change the bank's name from The Gratz Bank to LINKBANK and Article 2 to change the bank's principal place of business from 32 West Market Street, Gratz, Dauphin County, PA, to 3045 Market Street, Camp Hill, Cumberland County, PA. Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Filed

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-01-2022	Community Regional Credit Union Kingston Luzerne County Application for approval to merge Community Regional Credit Union, Kingston, with and into Choice One Community Federal Credit Union, Plains Township.	Effective

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. 22-1427. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2022

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of October 2022, is 5 3/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 3.13 to which was added 2.50 percentage points for a total of 5.63 that by law is rounded off to the nearest quarter at 5 3/4%.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-1428. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Draft of Amendment to the 2021 Annual Action Plan

The Department of Community and Economic Development (Department) is preparing an amendment to its 2021 Annual Action Plan. The purpose of the amendment is to allow Sandy Township, Clearfield County to pursue funding through the Federal Section 108 Program (Program). This Program allows local governments to leverage portions of their Community Development Block Grant (CDBG) funds into Federally guaranteed loans large enough to pursue physical and economic revitalization projects capable of redeveloping entire neighborhoods.

Sandy Township is pursuing \$875,000 through the Program to install an additional extension and conveyance system to the township's sanitary sewer system for an industrial park expansion as an economic development project.

Notice is hereby given the amendment involved updating the Commonwealth's Methods of Distribution to include the Program. Under the Commonwealth's initiative to use the Program, the loans are guaranteed by the Commonwealth, committing the use of future CDBG

funds to pay off the loan in case of default. The Commonwealth's 2022 Program loan capacity amount is \$180,158,130.25. Currently, the Commonwealth has the amount of \$19,275,000 in outstanding loans and is requesting to use \$875,000 toward the Sandy Township project for a total outstanding obligation of \$20,150,000.

Individuals or organizations may provide written comments regarding this amendment. Written comments may be submitted to David Grey, Chief of Compliance and Technical Services, Center for Community and Housing Development, Department of Community and Economic Development, dgrey@pa.gov. Public comments will be accepted until Monday, September 26, 2022 by 4 p.m.

NEIL WEAVER,
Acting Secretary

[Pa.B. Doc. No. 22-1429. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Governor's Advisory Council for Hunting, Fishing and Conservation Public Meeting

The Governor's Advisory Council for Hunting, Fishing, and Conservation (Council) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on September 19, 2022, at 1 p.m. at the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17101.

In-person seating is limited and pre-registration is required. A virtual access option will be available by means of WebEx. A link will be provided for virtual registration and attendance on the Council's web site prior to the meeting at www.dcnr.pa.gov/Conservation/GovernorsAdvisoryCouncil.

Questions concerning this public meeting or agenda items can be directed to Derek Eberly at (717) 317-0028. For public comment to be considered at the public meeting, follow the instructions on the Council's web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 22-1430. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Special Fall Round of Community Conservation Partnerships Program Grants Available

The Department of Conservation and Natural Resources (Department) announces that applications are now being accepted for a special "supplemental" Fall 2022

round of Community Conservation Partnerships Program Grants. These grants are administered by the Bureau of Recreation and Conservation (Bureau).

The open application period began on Tuesday, September 6, 2022, and will end at 4 p.m. on Thursday, October 27, 2022. Eligible applicants include municipal entities and appropriate nonprofit organizations in this Commonwealth.

Applications must be submitted electronically through the Department's Grants Customer Service Portal at <https://apps.dcnr.pa.gov/grants>. Paper, faxed or e-mailed applications will not be accepted. Grant information, project guidance documents, program policies, applications and instructions are available on the portal.

For assistance with the portal, contact the Department's Grants Customer Service Center, (800) 326-7734, DCNR-Grants@pa.gov.

Grant assistance from the Department helps communities and organizations in this Commonwealth plan, acquire and develop recreation, park, and trail facilities, and conserve open space.

Funding for the special grant round comes from multiple sources, with the largest being the Federal American Rescue Plan Act funding made available to the Department through the Outdoor Recreation Program as part of the Commonwealth's Fiscal Year 2022-2023 budget.

Application process and project types largely mirror those for the typical spring application period for the Department's Community Conservation Partnerships Program Grants.

Unique to this round, municipalities with populations under 5,000 people can apply for projects with a reduced level of match. For these municipalities, match is only 20% of the grant amount with no cap on project size.

The Fall funding round also includes additional funding to support watershed and community forestry practices including tree planting, lawn conversion and riparian buffers.

A frequently asked questions document at <https://elibrary.dcnr.pa.gov/GetDocument?docId=4594375&DocName=Grant%20Round%202028%20Supplemental%20Round%20FAQs.pdf> has been put together with more information about the Fall funding round. Additional information will also be published through the Bureau's e-newsletter at <https://signup.e2ma.net/signup/1884423/1893689/>.

Bureau staff are available to assist applicants with developing a competitive application. Staff contact information can be found on the Bureau's web site at http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/d_001184.pdf.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 22-1431. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Index Calculation Required by Special Session Act 1 of 2006

Under section 333(1) of the Taxpayer Relief Act (53 P.S. § 6926.333(1)), the Department of Education (Department) has calculated the index for Fiscal Year (FY) 2023-2024.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For FY 2023-2024, the base index is 4.1%.

For school districts with a market value/income aid ratio greater than 0.4000, an adjusted index will be posted on the Department's web site at www.education.pa.gov by September 30, 2022.

ERIC HAGARTY,
Acting Secretary

[Pa.B. Doc. No. 22-1432. Filed for public inspection September 16, 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>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

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

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

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

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

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

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

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

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

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

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 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: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1522812	Joint DEP/PFBC Pesticides Permit	New	Bentley Bill 398 N Manor Road Elverson, PA 19520-9187	West Nantmeal Township Chester County	SERO
1522816	Joint DEP/PFBC Pesticides Permit	New	Downingtown Borough Chester County 4 West Lancaster Avenue Downingtown, PA 19335	Downingtown Borough Chester County	SERO
4515809	Joint DEP/PFBC Pesticides Permit	Renewal	Snyder Terry 1301 Mazzetti Road Stroudsburg, PA 18360-8665	Stroud Township Monroe County	NERO
4622812	Joint DEP/PFBC Pesticides Permit	New	Link Cynthia 1256 Bleim Road Pottstown, PA 19464-2122	Lower Pottsgrove Township Montgomery County	SERO
4912201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Transfer	Rushtown Poultry LLC 90 Court Street Bethel, PA 19507	Rush Township Northumberland County	NCRO
6380204	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Allegheny Energy Supply Co. LLC 800 Cabin Hill Drive Greensburg, PA 15601	Union Township Washington County	SWRO
NOEXNW144	No Exposure Certification	Renewal	Schlumberger Tech Corp 95 Rutherford Run Bradford, PA 16701-3713	Bradford City McKean County	NWRO
NOEXNW175	No Exposure Certification	Renewal	Flexcut Tool Co. Inc. 8105 Hawthorne Drive Erie, PA 16509-4653	Summit Township Erie County	NWRO
NOEXSC281	No Exposure Certification	Renewal	Snap On Tools Corp 265 S Church Street Robesonia, PA 19551-1601	Robesonia Borough Berks County	SCRO
NOEXSC385	No Exposure Certification	New	ABF Freight System Inc. P.O. Box 10048 Fort Smith, AR 72917-0048	Lower Allen Township Cumberland County	SCRO
NOEXSW190	No Exposure Certification	Renewal	St-Gobain Ceramics 4702 State Route 982 Latrobe, PA 15650-3280	Derry Township Westmoreland County	SWRO
PAR606114	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	SA Recycling LLC 2411 N Glassell Street Orange, CA 92865-2717	Koppel Borough Beaver County	SWRO
PAG109615	PAG-10 NPDES General Permit for Hydrostatic Test Water	Renewal	Enterprise TE Products Pipeline Co. LLC P.O. Box 4324 Houston, TX 77210-4324	Greensburg City 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>
PAG133589	PAG-13 NPDES General Permit for MS4s	Renewal	Hellam Township York County 44 Walnut Springs Road York, PA 17046-9000	Hellam Township York County	SCRO
PAG136384	PAG-13 NPDES General Permit for MS4s	Renewal	Smith Township Washington County 100 Courson Hill Road Washington, PA 15301	Smith Township Washington County	SWRO
PAG138313	PAG-13 NPDES General Permit for MS4s	Renewal	Lake City Borough Erie County 2350 Main Street Lake City, PA 16423-1509	Lake City Borough Erie County	NWRO
0609401	Pump Stations Individual WQM Permit	Amendment	Maxatawny Township Municipal Authority Berks County 127 Quarry Road Suite 1 Kutztown, PA 19530-9697	Maxatawny Township Berks County	SCRO
2582403	Pump Stations Individual WQM Permit	Amendment	Millcreek Township Erie County 68 Port Access Road Erie, PA 16507-2204	Erie City Erie County	NWRO
2590405	Pump Stations Individual WQM Permit	Amendment	Millcreek Township Erie County 68 Port Access Road Erie, PA 16507-2204	Erie City Erie County	NWRO
2792401	Pump Stations Individual WQM Permit	Amendment	Jenks Township Forest County P.O. Box 436 135 Pine Street Marienville, PA 16239-0436	Jenks Township Forest County	NWRO
1122400	Sewer Extensions Individual WQM Permit	Amendment	Portage Area Sewer Authority Cambria County 606 Cambria Street Portage, PA 15946-1516	Portage Borough Cambria County	SWRO
1422401	Sewer Extensions Individual WQM Permit	New	ORD Sewer Authority 235 Skips Lane Osceola Mills, PA 16666-1753	Decatur Township Clearfield County	NCRO
1022412	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Bartley William 230 Hall Road Slippery Rock, PA 16057-5508	Clay Township Butler County	NWRO
2022411	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Nancy & Richard Miller 292 Donation Road Greenville, PA 16125-8008	South Shenango Township Crawford County	NWRO
2022412	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Holzer William 12730 Van Horne Road Meadville, PA 16335	Vernon Township Crawford County	NWRO
2422401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Schwartz Ronald A 1093 Saxonburg Boulevard Saxonburg, PA 16056-9133	Horton Township Elk County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2522427	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Hawkinson Charles 7210 Station Road Erie, PA 16510-4851	Harborcreek Township Erie County	NWRO
2522428	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Cynthia & Norman Dougan 9579 Bliley Road Erie, PA 16510-5271	Greene Township Erie County	NWRO
2522429	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Otto Kevin J 11103 Dyer Road Union City, PA 16438-8743	Greene Township Erie County	NWRO
3722406	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Hatcher Claire 120 Old Colony Drive New Castle, PA 16105-4502	Neshannock Township Lawrence County	NWRO
4322407	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Gerdy Mark 8105 Short Leaf Pine Circle Greenville, SC 29609-1365	Salem Township Mercer County	NWRO
PA0265152	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Charlotte Apt LLC 107 Archibald Street Kansas City, MO 64111-2214	Slippery Rock Township Lawrence County	NWRO
PA0265721	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Safran Family Houston LLC 3639 Sweetwater Canyon Drive Malibu, CA 90265-4905	Bloomfield Township Crawford County	NWRO
2018401	Small Flow Treatment Facility Individual WQM Permit	Transfer	Safran Family Houston LLC 3639 Sweetwater Canyon Drive Malibu, CA 90265-4905	Bloomfield Township Crawford County	NWRO
3717401	Small Flow Treatment Facility Individual WQM Permit	Transfer	Charlotte Apt LLC 107 Archibald Street Kansas City, MO 64111-2214	Slippery Rock Township Lawrence County	NWRO
WQG02062202	WQG-02 WQM General Permit	New	Maxatawny Township Municipal Authority Berks County 127 Quarry Road Suite 1 Kutztown, PA 19530-9697	Maxatawny Township Berks 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

PA0043583, Sewage, SIC Code 4952, **Hartley Township Municipal Authority**, P.O. Box 175, Laurelton, PA 17835-0175. Facility Name: Hartley Township Municipal Authority Wastewater Treatment Plant. This existing facility is located in Hartley Township, **Union 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), Laurel Run (CWF), is located in State Water Plan watershed 6-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.02
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	41	65	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	50	75	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	21	31	XXX	13.0	19.0	25
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

Northcentral Regional Office

PA0044652, Sewage, SIC Code 4952, **PA DCNR**, 28 Entrance Road, Troy, PA 16947-8506. Facility Name: Mt. Pisgah State Park. This existing facility is located in West Burlington Township, **Bradford County**.

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

The receiving stream(s), Mill Creek (TSF), is located in State Water Plan watershed 4-C 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 0.02 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	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	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
May 1 - Oct 31	XXX	XXX	XXX	6.5	XXX	13.0
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0061671, Sewage, SIC Code 4952, **Greenfield Township Sewer Authority, Lackawanna County**, P.O. Box 501, Carbondale, PA 18407-0501. Facility Name: Greenfield Township Sewer Authority Wastewater Treatment Plant. This existing facility is located in Greenfield Township, **Lackawanna County**.

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

The receiving stream(s), Unnamed Tributary to Dundaff Creek (WWF), is located in State Water Plan watershed 4-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 .14 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total (ug/L)	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Zinc, Total (ug/L)	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total (ug/L)	0.015	0.022 Daily Max	XXX	13.0	18.9 Daily Max	32.6
Zinc, Total (ug/L)	Report	0.2 Daily Max	XXX	Report	167.0 Daily Max	167.0

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Minimum</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	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.09
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	29.2	46.7	XXX	25.0	40.0	50.0
BOD ₅ Minimum % Removal (%)	85 Min Mo Avg	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	35.0	52.5	XXX	30.0	45.0	60.0
Total Suspended Solids Minimum % Removal (%)	85 Min Mo Avg	XXX	XXX	XXX	XXX	XXX
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
Nitrate-Nitrite as N	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

NOTICES

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	8.7	Report Daily Max	XXX	7.5	15.0 Daily Max	15.0
May 1 - Oct 31	2.9	Report Daily Max	XXX	2.5	5.0 Daily Max	5.0
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Lead, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Internal Monitoring Point/Outfall 101 are based on a design flow of NA MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX

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

- Stormwater prohibition; Necessary property rights; Residuals management; Chlorine minimization; Dry stream condition; SBR condition; Responsible operator; O&M Plan; High Flow Management Plan; Hauled-in wastewater; Changes to existing conditions; Required POTW SCADA System Upgrades; Chesapeake Bay Nutrient Definition; Solids management; WQBELs for toxic pollutants

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0064092, Sewage, SIC Code 4952, **Beach Lake Municipal Authority**, P.O. Box 151, Beach Lake, PA 18405. Facility Name: Beach Lake Municipal Authority WWTP. This existing facility is located in Berlin Township, **Wayne 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, Beach Lake Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-A and is classified for High Quality Waters—Cold Water 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 0.09 MGD.

(From Permit Effective Date to 3 Years After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.44	XXX	1.03

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

(From 3 Years After Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.29	XXX	0.96

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	15.0	22.5	XXX	20.0	30.0	40.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	7.5	11.3	XXX	10.0	15.0	20.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.4	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	1.1	XXX	XXX	1.5	XXX	3.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	1.5	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Quarterly	Weekly Average	
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

- Solids Management
- Requirements for Total Residual Chlorine (TRC)

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

PA0290971, Sewage, SIC Code 8800, **Monica Snyder**, 7209 Country Club Road, Butler, PA 16001-8576. Facility Name: Monica Snyder SRSTP. This proposed facility is located in Franklin Township, **Butler County**.

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

The receiving stream(s), Unnamed Tributary to Mulligan 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 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0291064, Sewage, SIC Code 8800, **Adolph J Zampogna**, 1018 Edgewood Road, New Kensington, PA 15068-5312. Facility Name: Adolph Zampogna SRSTP. This proposed facility is located in Burrell Township, **Armstrong 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), Long Run, is located in State Water Plan watershed 17-E 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.

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	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0291099, Sewage, SIC Code 4952, 8800, **Claire Hatcher**, 120 Old Colony Drive, New Castle, PA 16105-4502. Facility Name: Claire Hatcher SRSTP. This proposed facility is located in Neshannock Township, **Lawrence 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 Shenango River, located in State Water Plan watershed 20-A and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0291111, Sewage, SIC Code 4952, 8800, **Ronald A Schwartz**, 1093 Saxonburg Boulevard, Saxonburg, PA 16056-9133. Facility Name: Ronald Schwartz SRSTP. This proposed facility is located in Horton Township, **Elk 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 Little Toby Creek, located in State Water Plan watershed 17-A 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 MG.

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

Southcentral Regional Office

PA0087661, Sewage, SIC Code 4952, **Chestnut Ridge Area Joint Authority**, 320 Lane Metal Road, New Paris, PA 15554-9238. Facility Name: Chestnut Ridge Area Joint Authority STP. This existing facility is located in East Saint Clair Township, **Bedford 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), Dunning Creek (WWF), is located in State Water Plan watershed 11-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 .915 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	117	188	XXX	20.0	32.0	40
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	176	264	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	123	XXX	XXX	21.0	XXX	42
May 1 - Oct 31	41	XXX	XXX	7.0	XXX	14
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

The proposed effluent limits for Outfall 001 are based on a design flow of .915 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .915 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
	Semi Avg			Semi Avg		
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
	Semi Avg			Semi Avg		

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

The EPA Waiver is not in effect.

Southeast Regional Office

PAI130034, MS4, Hatfield Township, Montgomery County, 1950 School Road, Hatfield, PA 19440-1923.

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 Hatfield Township, **Montgomery County**. The receiving stream(s), Unnamed Tributary of Skippack Creek (TSF, MF), Unnamed Tributary to West Branch Neshaminy Creek (WWF, MF), and West Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 3-E and 2-F and is classified for Migratory Fishes, Warm Water Fishes, and Trout Stocking, 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)
- A Total Maximum Daily Load (TMDL) Plan

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 for small MS4s.

Southeast Regional Office

PAI130071, MS4, Worcester Township, Montgomery County, 1721 Valley Forge Road, Worcester, PA 19490.

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 Worcester Township, **Montgomery County**. The receiving stream(s), Unnamed Tributary to Towamencin Creek (TSF, MF), Wissahickon Creek (TSF, MF), Unnamed Tributary to Skippack Creek (TSF, MF), Unnamed Tributary of Stony Creek (TSF, MF), and Unnamed Tributary to Zacharias Creek (TSF, MF), is located in State Water Plan watershed 3-F and 3-E and is classified for Migratory Fishes and Trout Stocking, 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)
- A Total Maximum Daily Load (TMDL) Plan

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 for small MS4s.

Southeast Regional Office

PAI130083, MS4, **Towamencin Township, Montgomery County**, P.O. Box 303, Kulpsville, PA 19443-0303.

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 Towamencin Township, **Montgomery County**. The receiving stream(s), Towamencin Creek (TSF, MF) and Skippack Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, 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)
- A Total Maximum Daily Load (TMDL) Plan

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 for small MS4s.

Southeast Regional Office

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

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	110.0	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	1.01	2.02	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Ethylbenzene	XXX	XXX	XXX	Report	Report	XXX
Benzene	XXX	XXX	XXX	0.442	0.690	XXX
Naphthalene	XXX	XXX	XXX	Report	Report	XXX
Toluene	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total	XXX	XXX	XXX	Report	Report	XXX

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Chromium, Total	1.453	3.627	XXX	1.110	2.770	XXX
Copper, Total	1.899	4.426	XXX	1.450	3.380	XXX
Cyanide, Total	0.550	1.571	XXX	0.420	1.20	XXX
Lead, Total	0.419	0.903	XXX	0.320	0.690	XXX
Nickel, Total	2.213	5.211	XXX	1.690	3.980	XXX
Zinc, Total	1.375	3.417	XXX	1.050	2.610	XXX
2-Chlorophenol	0.041	0.128	XXX	0.031	0.098	XXX
2,4-Dichlorophenol	0.051	0.147	XXX	0.039	0.112	XXX
2,4-Dimethylphenol	0.024	0.047	XXX	0.018	0.036	XXX
Fluorene	0.029	0.077	XXX	0.022	0.059	XXX
2,4-Dinitrophenol	0.093	0.161	XXX	0.071	0.123	XXX
2,4-Dinitrotoluene	0.148	0.373	XXX	0.113	0.285	XXX
2,6-Dinitrotoluene	0.334	0.839	XXX	0.255	0.641	XXX
4,6-dinitro-o-cresol	0.102	0.363	XXX	0.078	0.277	XXX
2-Nitrophenol	0.054	0.090	XXX	0.041	0.069	XXX
4-Nitrophenol	0.094	0.162	XXX	0.072	0.124	XXX
Phenol	0.020	0.034	XXX	0.015	0.026	XXX
Acenaphthene	0.029	0.077	XXX	0.022	0.059	XXX
Acenaphthylene	0.029	0.077	XXX	0.022	0.059	XXX
Acrylonitrile	0.126	0.317	XXX	0.096	0.242	XXX
Anthracene	0.029	0.077	XXX	0.022	0.059	XXX
Chlorobenzene	0.020	0.037	XXX	0.015	0.028	XXX
1,2-Dichlorobenzene	0.101	0.213	XXX	0.077	0.163	XXX
1,3-Dichlorobenzene	0.041	0.058	XXX	0.031	0.044	XXX
1,4-Dichlorobenzene	0.020	0.037	XXX	0.015	0.028	XXX
1,3-Dichloropropylene	0.038	0.058	XXX	0.029	0.044	XXX
1,2,4-Trichlorobenzene	0.089	0.183	XXX	0.068	0.140	XXX
Ethylbenzene	0.042	0.114	XXX	0.032	0.108	XXX
Hexachlorobenzene	0.020	0.037	XXX	0.015	0.028	XXX
Nitrobenzene	0.035	0.089	XXX	0.027	0.068	XXX
Benzene	0.048	0.178	XXX	0.037	0.136	XXX
Benzo(a)Anthracene	0.029	0.077	XXX	0.022	0.059	XXX
Benzo(a)Pyrene	0.030	0.080	XXX	0.023	0.061	XXX
Benzo(k)Fluoranthene	0.029	0.077	XXX	0.022	0.059	XXX
3,4-Benzofluoranthene	0.030	0.080	XXX	0.023	0.061	XXX
Carbon Tetrachloride	0.024	0.050	XXX	0.018	0.038	XXX
Chloroethane	0.136	0.351	XXX	0.104	0.268	XXX
1,1,1-Trichloroethane	0.027	0.071	XXX	0.021	0.054	XXX
1,1,2-Trichloroethane	0.027	0.071	XXX	0.021	0.054	XXX
1,1-Dichloroethane	0.029	0.077	XXX	0.022	0.059	XXX
1,2-Dichloroethane	0.089	0.276	XXX	0.068	0.211	XXX
1,2-Dichloropropane	0.200	0.301	XXX	0.153	0.230	XXX
Bis(2-Ethylhexyl) Phthalate	0.135	0.365	XXX	0.103	0.279	XXX
Chloroform	0.027	0.060	XXX	0.021	0.046	XXX
Chrysene	0.029	0.077	XXX	0.022	0.059	XXX
Diethyl Phthalate	0.106	0.266	XXX	0.081	0.203	XXX
Dimethyl Phthalate	0.025	0.062	XXX	0.019	0.047	XXX
Di-n-Butyl Phthalate	0.035	0.075	XXX	0.027	0.057	XXX
Fluoranthene	0.033	0.089	XXX	0.025	0.068	XXX
Hexachlorobutadiene	0.026	0.064	XXX	0.020	0.049	XXX
Hexachloroethane	0.027	0.071	XXX	0.021	0.054	XXX
Methyl Chloride	0.113	0.249	XXX	0.086	0.190	XXX
Methylene Chloride	0.052	0.117	XXX	0.040	0.089	XXX
Naphthalene	0.029	0.077	XXX	0.022	0.059	XXX
Phenanthrene	0.029	0.077	XXX	0.022	0.059	XXX
Pyrene	0.033	0.088	XXX	0.025	0.067	XXX
1,1-Dichloroethylene	0.021	0.033	XXX	0.016	0.025	XXX
trans-1,2-Dichloroethylene	0.027	0.071	XXX	0.021	0.054	XXX
Tetrachloroethylene	0.029	0.073	XXX	0.022	0.056	XXX
Toluene	0.034	0.105	XXX	0.026	0.080	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Trichloroethylene	0.027	0.071	XXX	0.021	0.054	XXX
Vinyl Chloride	0.136	0.351	XXX	0.104	0.268	XXX

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

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

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

The EPA Waiver is not in effect.

Southwest Regional Office

PA0204935, Industrial, SIC Code 3273, **New Enterprise Stone & Lime Co. Inc.**, P.O. Box 77, New Enterprise, PA 16664-0077. Facility Name: New Enterprise Stone & Lime Ebensburg Plant. This existing facility is located in Cambria Township, **Cambria County**.

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

The receiving stream, Unnamed Tributary to South Branch Blacklick Creek (CWF), is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .008 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	50.0
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls
- Best Management Practices (BMPs) for Concrete Batch Facilities

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0255301, Industrial, SIC Code 4941, **Springdale Borough**, 325 School Street, Springdale, PA 15144. Facility Name: Springdale Borough WTP. This existing facility is located in Springdale Borough, **Allegheny County**.

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

The receiving stream(s), Allegheny River (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 .0242 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75.0
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	10.0
Iron, Total	XXX	XXX	XXX	2.0	4.0	5.0
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 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>Office</i>
PAD020036 A-2	Major Amendment	Pennsylvania Turnpike Commission Commonwealth Ave (SR 2044) West Mifflin, PA 15122	Jefferson Hills Borough West Mifflin Borough Clairton City Allegheny County	RPCO
PAD020036 A-3	Major Amendment	Pennsylvania Turnpike Commission Commonwealth Ave (SR 2044) West Mifflin, PA 15122	West Mifflin Borough Dravosburg Borough Allegheny County	RPCO
PAD150266	New	Pennsylvania Turnpike Commission Bridge No. EB-701 at Milepost 301.3 over Pennsylvania Turnpike West Nantmeal, PA 19520	Elverson Borough West Nantmeal Township Chester County	RPCO
PAD400039 A-1	Major Amendment	Wilkes-Barre/Scranton International Airport Stephen Mykulyn 100 Terminal Drive Avoca, PA 18641	Pittston Township Dupont Borough Luzerne County	NERO
PAD400059	New	Rising Light Ridge, LLC Matt Anderson 588 Railroad Lane Bear Creek Township, PA 18602	Bear Creek Township Luzerne County	NERO
PAD640008	Renewal	Wayne Economic Development Corporation 32 Commercial Street Suite 1 Honesdale, PA 18431	Sterling Township Wayne County	NERO
PAD390252	New	RDM Group 1 International Blvd. Mahwah, NJ 07430	Upper Macungie Township Lehigh County	NERO
PAD470004	New	PennDot Engineering District 3-0 715 Jordan Ave Montoursville, PA 17754	Valley Township Mahoning Township Montour County	NCRO
PAD530013	New	AJ's Outdoor Power Equipment Inc. Chris Ensminger 3101 E. 2nd St Coudersport, PA 16915	Sweden Township Potter County	NCRO
PAD090086	New	Solebury Township 408 Lower York Road (Route 202) Solebury, PA 18963-0139	Solebury Township New Hope Borough Bucks County	SERO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD510042 A-1	Major Amendment	Tippmann Group 5701 Tacony Street Philadelphia, PA 19135	City of Philadelphia Philadelphia County	SERO
PAD390253	New	Avery Quinn Group, LLC 131 Hoffman Lane Islandia, NY 11749	Lower Macungie Township Lehigh County	NERO
PAD390170	Renewal	Westgate Mall Owner, LLC c/o Onyx Equities LLC One Gateway Center Suite 2400 Newark, NJ 07102	City of Bethlehem Lehigh County	NERO

STATE CONSERVATION COMMISSION

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

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

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

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

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

**ACT 38
NUTRIENT MANAGEMENT PLANS**

CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325	Adams County	1,172.7	20,782.6	Poultry/ Layer	NA	Renewal
Silver Crest Acres 1147 Silver Spring Road Holtwood, PA 17352	Lancaster County	320	432.28	Swine	HQ	Renewal
Herman Zeager 159 Yoder Road Bainbridge, PA 17502	Lancaster County	65.5	914.16	Swine	NA	Renewal
Glenn & Joel Martin 2077 Mountain Road Manheim, PA 17545	Lancaster County	212.9	36.5	Ducks	HQ	Renewal
R & T Family Farms LLC 258 Mountain Road Muncy Valley, PA 17758	Lycoming County	238.3	663.9	Swine/ Beef	NA	Renewal
Carlin Lehman 11737 Parthemer Road McClure, PA 17841	Snyder County	1	596.71	Swine/ Finishing	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 Public Water Supply (PWS) permits to construct or substantially modify public water systems.

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

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

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

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

SAFE DRINKING WATER

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

Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Pam Yoder, Clerical Assistant, 814-332-6899.

Application No. 2522502, Construction, Public Water Supply.

Applicant	Erie City Water Authority
Address	340 West Bayfront Parkway Erie, PA 16507
Municipality	Mill Creek Township
County	Erie County
Responsible Official	Craig Palmer, P.E.
Consulting Engineer	Robert Horvat, P.E. Entech Engineering, Inc. 400 Industry Drive Suite 200 Pittsburgh, PA 15275
Application Received	August 29, 2022
Description	Construct a new Asbury Tank Booster Pump Station

Application No. 3222501, Construction, Public Water Supply.

Applicant	Indiana County Municipal Services Authority
Address	602 Kolter Drive Indiana, PA 15701

Municipality	Washington Township
County	Indiana County
Responsible Official	Martin Maschak, Exec. Dir.
Consulting Engineer	Christopher Wharton, P.E. Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street Box 853 Latrobe, PA 15650
Application Received	August 30, 2022
Description	Construct a new clarifier at the Crooked Creek Water Treatment Plant

MUNICIPAL WASTE GENERAL PERMITS

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

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

Contact: Carrie Majett, Clerical Assistant 3, 484-250-5892.

WMGI005A. Merck Sharp & Dohme, LLC, 770 Sumneytown Pike, West Point, PA 19486-0004, Upper Gwynedd Township, **Montgomery County**. This permit modification application of the determination of applicability (DOA) under General Permit No. WMGI005A is to reflect the change of legal entity from Merck Sharp & Dohme Corp. to Merck Sharp & Dohme LLC, for the Merck Sharp & Dohme, LLC—West Point Facility, an Infectious Waste Processing facility. Application received: June 23, 2022. Deemed administratively complete: June 23, 2022.

Comments or questions concerning the application should be directed to Waste Management Program Manager, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

WMGI005D. Merck Sharp & Dohme, LLC, 770 Sumneytown Pike, West Point, PA 19486-0004, Upper Gwynedd Township, **Montgomery County**. This permit modification application of the determination of applicability (DOA) under General Permit No. WMGI005D is to reflect the change of legal entity from Merck Sharp & Dohme Corp. to Merck Sharp & Dohme LLC, for the Merck Sharp & Dohme, LLC—North Wales Facility, an Infectious Waste Processing facility. Application received: June 23, 2022. Deemed administratively complete: July 11, 2022.

Comments or questions concerning the application should be directed to Waste Management Program Manager, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

HAZARDOUS WASTE TRANSPORTER LICENSE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Applications Received

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

Contact: Jonathan Adams.

Potomac Environmental, Inc., P.O. Box 1836, Stafford, VA 22555-1836. **License No. PA-AH 0925.** Accepted: June 29, 2022.

Renewal Applications Received

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

Contact: Jonathan Adams.

2347854 Ontario, Inc., 1818 Burlington Street E, Hamilton, ON L8H 3L4. **License No. PA-AH 0817.** Accepted: August 8, 2022.

Heritage-Crystal Clean, LLC, 2000 Center Drive, Hoffman Estates, IL 60192. **License No. PA-AH 0672.** Accepted: July 21, 2022.

Transervice Logistics, Inc., 5 Dakota Drive, Lake Success, NY 11042. **License No. PA-AH 0702.** Accepted: August 30, 2022.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

Renewal Applications Received

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

Contact: Jonathan Adams.

Approved Storage & Waste Hauling MA, Inc., 110 Edison Avenue, Mount Vernon, NY 10550. **License No. PA-HC 0273.** Accepted: August 30, 2022.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a

facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the DEP's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

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

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

PLAN APPROVALS

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

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

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

08-00016: Dalrymple Gravel & Contracting Co., Inc., 2105 South Broadway, Pine City, NY 14871, Athens Township, **Bradford County**. Application received: March 3, 2022. For issuance of a revised operating permit to change the test requirements for the P101 drum plant from 50% RAP to 20% to 40% RAP to enable performance testing during actual production runs. The revision also incorporates all other terms and conditions of Plan Approvals 08-0016B and 08-00016C into the operating permit via administrative amendment along with the elimination of use of reprocessed oil in the drum plant burner, the addition of stack test requirements and revision of the No. 2 fuel oil specifications to reflect 25 Pa. Code § 123.22 for the Dalrymple Chemung facility. 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. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63 and 25 Pa. Code Article III, Chapters 121–145.

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

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

36-05152F: Kellogg USA Inc., 2050 State Road, Lancaster, PA 17604, East Hempfield Township, **Lancaster County**. Application received: June 3, 2022. For the replacement of the corn tempering bin on the corn line with a larger corn tempering bin at the East Hempfield plant. The overall capacity of the corn line will not increase. The existing corn tempering bin exhausts through Rotoclone # 23, Size 16, inside the building. The new tempering bin will exhaust through a larger American Air Filter, Model W, Size 24, Rotoclone Wet Scrubber (Rotoclone # 39) and exhaust outside. The expected increase in facility potential emissions as a result of the changes proposed is: 0.01 tpy of PM. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

OPERATING PERMITS

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

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

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

08-00007, Leprino Foods Co., 400 Leprino Avenue, Waverly, NY 14892, South Waverly Borough, **Bradford County**. Application received: February 22, 2022. To issue a renewal State Only (synthetic minor) Operating Permit for their natural and processed cheese manufacturing facility. The facility is currently operating under State Only Operating Permit 08-00007. The facility's main sources include four natural gas/# 2, 4, 5 and 6 fuel oil-fired boilers and a natural gas-fired whey spray dryer. The facility has potential emissions of 45.02 TPY of CO; <100 TPY of NO_x; <100 TPY of SO_x; 48.29 TPY of PM/PM₁₀; 5.93 TPY of VOCs; <10 TPY any single HAP; <25 TPY. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121–145, as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

49-00002, ConAgro Grocery Products Company, 30 Marr Street, Milton, PA 17847, Milton Borough, **Northumberland County**. Application received: April 14, 2022. To issue a renewal State Only (Synthetic Minor) Operating Permit for their manufacturing plant. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 49-00002. The facility's main sources include three (3) natural gas fired boilers ranging in size from 90 MMBtu/hr—108 MMBtu/hr, a wastewater treatment plant, six (6) storage silos, and a diesel fire pump. The facility has potential emissions of <100 TPY of CO; <100 TPY of NO_x; 0.58 TPY of SO_x; 10.05 TPY of PM/PM₁₀; 9.10 TPY of VOCs, and 1.88 TPY of HAPs. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the renewal operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121–145, as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

25-00886, Cross Paving, LLC, 8955 Wattsburg Road, Erie, PA 16509-6021, Venango Township, **Erie County**. Application received: February 17, 2022. The Department is providing notice that they intend to renew a State Only Synthetic Minor Operating Permit for operation of the hot mix asphalt (HMA) facility. The facility's primary emission sources include the batch HMA process controlled by

a cyclone collector and venturi scrubber, the aggregate storage piles, and truck load-out. The potential emissions of the primary pollutants from the facility are as follows: 26.4 TPY (tons per year) NO_x, 88.0 TPY CO, 1.80 TPY VOC, 30.8 TPY total PM, and 19.4 TPY SO_x. The facility is a synthetic minor, taking a limit of 440,000 tons per year of asphalt produced to maintain CO emissions below 100 TPY. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

62-00184, Allegheny Aggregate, Inc., Pittsfield, 34175 Route 6, P.O. Box 38, Pittsfield, PA 16340, Pittsfield Township, **Wayne County.** Application received: January 18, 2022. The Department is providing notice that they intend to issue a new State Only Operating Permit for the sand and gravel processing plant. The facility consists of the mineral processing plant (crushers, conveyors, screening, roadways), and a 170-bhp diesel engine that powers the backup processing plant. The potential emissions of the primary pollutants from the facility are as follows: PM₁₀: 19.94 TPY, PM_{2.5}: 0.915 TPY, NO_x: 6.60 TPY, SO_x: 0.436 TPY, VOC: 0.535 TPY, and CO: 1.422 TPY; thus, the facility is a natural minor. The engine is subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The processing facility is subject to 40 CFR 60 Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, as well as General Permit GP3 conditions. The permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

21-03004, ADM Milling Co., 811 Spangler Road, Camp Hill, PA 17011, Camp Hill Borough, **Cumberland County.** Application received: May 20, 2022. For the operation of a flour mill facility. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 14.4 tpy PM₁₀, 3.61 tpy NO_x, 3.03 tpy CO, 4.58 tpy VOC, and less than 1 tpy of SO_x and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

38-03055, Always Bagels, Inc., 10 Keyland Ct, Bohemia, NY 11716-2620, North Lebanon Township, **Lebanon County.** Application received: March 28, 2022. To issue a State-Only Operating Permit renewal for a bagel bakery. The facility has the potential to emit about 45.66 tons per year of VOCs, mainly from ethanol. 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.

06-03551, SGL Carbon LLC, 796 Fritztown Road, Sinking Spring, PA 19608, Spring Township, **Berks County.** Application received: January 24, 2022. To issue a State-Only Operating Permit for the Spring Graphite Plant. The potential emissions from the facility are estimated at 13 tpy of particulate matter. The Operating

Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63.

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

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

09-00229, Brenner Aerostructures, 450-3 Winks Lane, Bensalem, PA 19020, Bensalem Township, **Bucks County.** Application received: February 24, 2022. For renewal of a non-Title V, Natural Minor Operating Permit. The facility is a manufacturer of aerospace components primarily serving the commercial aerospace industry. Permitted sources consist of four (4) spray booths in which a variety of coatings are applied to various parts and components specific to the aerospace industry. The primary pollutant of concern is volatile organic compounds (VOC) and hazardous air pollutants (HAP) that are contained in the coatings. Brenner Aerostructures is categorized as a natural minor facility and will not exceed any major source thresholds. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

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

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity

permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

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

Coal Applications

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

Table 1

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

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

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

Contact: Bonnie Herbert, Clerical Assistant 3, 724.769.1100.

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township and Morris Township, Greene County. A revision to the permit and related NPDES permit for the VEP Boreholes Project, affecting 5.4 proposed surface acres. Application received: June 14, 2022. Accepted: August 11, 2022.

Mining Permit No. 26961601. NPDES No. PA0214779. Matt Canestrone Contracting, Inc., P.O. Box 234, Belle Vernon, PA 15012-0234, Luzerne Township and East Bethlehem Township, Fayette County and Washington County. To renew the permit and related NPDES permit. Application received: June 23, 2022. Accepted: August 23, 2022.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, (724.925.5500) or RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 30050103. NPDES No. PA0250759. Duquesne Light Company, 1800 Seymour Street, Pittsburgh, PA 15233-1134, Monongahela Township, Greene County. Renewal application for continued mining for an existing bituminous mining operation and associated NPDES permit, affecting 37.0 acres. Receiving streams: Sandy Run and Monongahela River. Classified for the following use: WWF. Application received: August 31, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54010201. Rausch Creek Coal Mining Good Spring, LLC, 978 Gap Street, Valley View, PA 17983, Hegins Township and Porter Township, Schuylkill County. Transfer from Rausch Creek Generation, LLC of an anthracite coal refuse reprocessing operation and correction to add strip mining and blasting to the permit affecting 73.63 acres. Receiving stream: Good Spring Creek, classified for the following use: CWF. Application received: August 4, 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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 64122501. NPDES Permit No. PA0225240. Tim Kohrs, 1031 Bethany Turnpike, Honesdale, PA 18431, Texas Township, Wayne County. Renewal of an NPDES Permit on a GP-105 quarry permit affecting 10.0 acres. Receiving stream: Indian Orchard Brook, classified for the following uses: HQ-CWF, MF. Application received: August 29, 2022.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3, 724.769.1100.

NPDES No. PA0214248. Mining Permit No. 63743702. Eighty Four Mining Company, 46226 National Road, St. Clairsville, OH 43950, Somerset Township, **Washington County**. Application received: June 29, 2020. Accepted: September 24, 2020.

A repost to correct a mistake for a renewal to the NPDES permit and the mining activity permit for Eighty Four Mining Company for Mine 84 Refuse Area. Additionally, a transfer of the permit to Washington County Land Resources, Inc. and a change of the mine name to Washington County CRDA, affecting 601.0 surface acres. Receiving stream(s): Center Branch Pigeon Creek, classified for the following use: WWF, Monongahela River Watershed.

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 002 discharging to UNT 39728 of Center Branch Pigeon Creek 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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50	50
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 008 discharging to UNT 39727 of Center Branch Pigeon Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to August 1, 2024:

<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)	-	141	283	383
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 008 discharging to UNT 39727 of Center Branch Pigeon Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from August 2, 2024 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)	-	50	50	50
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

NPDES No. PA0588491. Mining Permit No. 568141612. Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Black Township, **Somerset County**. Renewal of an NPDES permit, mining activity permit and GP12 Air Quality Permit. Affecting 43.0 acres. Receiving stream: Coxes Creek, classified for the following use: WWF. This receiving stream is included in the Coxes Creek TMDL. Application received: August 4, 2021.

Outfall 001 discharges to: Coxes Creek

The proposed effluent limits for *Outfall 001* (Lat: 39° 55' 48"; Long: -79° 08' 48") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	Report	-
pH	(s.u.)	6.0Min	-	-	9.0Max
Specific Conductivity	(µmhos/cm)	-	-	-	Report
Temperature	(°C)	-	-	-	Report
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Total Dissolved Solids	(mg/l)	-	-	-	Report
Osmotic Pressure	(mOsm/kg)	-	-	-	Report

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	-
Iron	(mg/l)	-	1.5	3.0	3.8
Aluminum	(mg/l)	-	0.75	0.75	0.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Sulfate	(mg/l)	-	-	-	Report

Outfall 002 discharges to: Coxes Creek

The proposed effluent limits for *Outfall 002* (Lat: 39° 55' 59"; Long: -79° 08' 41") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	Report	-
pH	(s.u.)	6.0Min	-	-	9.0 Max
Specific Conductivity	(µmhos/cm)	-	-	-	Report
Temperature	(°C)	-	-	-	Report
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Total Dissolved Solids	(mg/l)	-	-	-	Report
Osmotic Pressure	(mOsm/kg)	-	-	-	Report
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	-
Iron	(mg/l)	-	1.5	3.0	3.8
Aluminum	(mg/l)	-	0.75	0.75	0.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Sulfate	(mg/l)	-	-	-	Report

Noncoal NPDES Draft Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0595721. Mining Permit No. 7876SM1. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Whitehall Township, **Lehigh County**. Application received: May 29, 2022.

Renewal of an NPDES permit on a quarry operation affecting 89.30 acres. Receiving stream: Coplay Creek, classified for the following use: CWF.

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

The following treated wastewater outfalls discharge to Coplay Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	TFO	Gravity drainage

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Acidity, Total (mg/L)				Report
Alkalinity, Total (mg/L)				Report
Net Alkalinity (mg/L)	0.0			
Oil & Grease (mg/L)				Report

NPDES Permit No. PA0612171. Mining Permit No. 36820301. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, White Township, **Lehigh County**. Application received: June 6, 2022.

Renewal of an NPDES permit on a quarry operation, affecting 131.71 acres. Receiving stream: unnamed tributary to Black Creek, classified for the following uses: HQ-WWF, MF.

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

The following treated wastewater outfalls discharge to unnamed tributary to Black Creek

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate MGD</i>
001	Existing	TFO	0.15

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Flow		0.15		
pH	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Acidity, Total (mg/L)				Report
Alkalinity, Total (mg/L)				Report
Net Alkalinity (mg/L)	0.0			
Oil & Grease (mg/L)				Report

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

E5829222-010. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Auburn Township, Susquehanna County. U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022.

To construct, operate and maintain a well pad impacting 100,624 square feet of a palustrine emergent (PEM) wetland, 51,836 square feet of a palustrine forested (PFO) wetland and 958 square feet of a palustrine scrub shrub

(PSS) wetland. (Auburn Center, PA Quadrangle, Latitude: 41.708773°, Longitude: -76.024301°). This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 153,418 square feet (3.522 acres) of permanent wetland impacts all for the purpose of establishing a well pad for Marcellus well development in Auburn Township, Susquehanna County. The permittee will provide 13.06 acres of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

E5829222-009. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Auburn Township, Susquehanna County. U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022.

To construct, operate, and maintain:

1. a temporary workspace impacting 2,831 square feet (0.06 acre) of palustrine forested wetland (PFO) (Auburn Center, PA Quadrangle; Lat. 41.653206°, Long. -76.033345°),
2. a temporary workspace impacting 2,396 square feet (0.06 acre) of palustrine forested wetland (PFO) (Auburn Center, PA Quadrangle; Lat. 41.653122°, Long. -76.033561°),
3. permanent well pad fill impacting 5,227 square feet (0.12 acre) of palustrine emergent wetland (PEM) (Auburn Center, PA Quadrangle; Lat. 41.652736°, Long. -76.032256°),
4. permanent well pad fill impacting 22,651 square feet (0.52 acre) of palustrine emergent wetland (PEM) (Auburn Center, PA Quadrangle; Lat. 41.652206°, Long. -76.032693°),

The McGavin SUS Pad project located in Auburn Township, Susquehanna County. The project will result in 0.11 acre (4,777 square feet) of temporary PFO wetland impacts and 0.64 acre (27,878 square feet) of permanent PEM wetland impacts all for the purpose of operating and maintaining a Marcellus Shale natural gas well site.

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

Contact: James Cassidy, Senior Civil Engineer, 570-855-9764.

E4104222-010. GEG PA Solar LLC, 2 Logan Square, Suite 1830, Philadelphia, PA 19103, Nippenose Township, Lycoming County. U.S. Army Corps of Engineers Baltimore District. Application received: September 16, 2022.

GEG PA Solar, LLC is proposing the development of a 986-acre solar power project. The project is located in Nippenose Township, Lycoming County, PA on the southern side of the West Branch of the Susquehanna River. The Property is generally bound by: (i) the West Branch

of the Susquehanna River on the north and east; (ii) Norfolk Southern's railroad line and the Village of Antes Fort on the south; and (iii) State Highway 44 (SR 0044) on the west. The project area consists mostly of agricultural fields with small areas of forests, streams, wetlands, drainageways, and the floodplain and floodway of the West Branch Susquehanna River. The approximate center of the site is located at 41.200892° N, -77.217611° W according to the Linden PA USGS 7.5-minute series quadrangle. The Developer has entered into an approximately 25-year lease with the Property owners to access, construct, operate and maintain a commercial-scale project to generate 180–200 megawatt alternating current (MWAC) solar photovoltaic (PV) electric power. The Project is proposed to include a series of solar PV panels to capture and convert sunlight to produce direct current (DC) electricity. Through a series of inverters, equipment and supporting appurtenances, the Project is proposed to convert the DC electricity to generate AC electricity. The Project is proposed to be interconnected to the electrical grid via the existing Pennsylvania Power and Light Corporation (PPL) Lycoming-Lock Haven 69 kV overhead electric transmission line located south of the Property. The AC electricity generated from the Project is then to be delivered off-site for use by third parties, including energy companies and other entities. The Project is expected to generate approximately 350,000–400,000 MWh per year, or the equivalent of providing electricity to approximately 72,000–80,000 average Pennsylvania homes for an entire year. Latitude: 41.2008°, Longitude: -77.2175°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager, 412-442-4000.

E6305122-007. PennDOT District 12-0, 825 North Gallatin Avenue Ext, Uniontown, PA 15401, Luzerne Township, **Fayette County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 2, 2022.

The applicant proposes to: 1. remove an existing, single span reinforced concrete slab bridge over an unnamed tributary (UNT) to Middle Wheeling Creek (WWF) that has a hydraulic opening of 50 sq ft and out-to-out length of 16.55' and construct and maintain a replacement, precast box culvert with precast wingwall end sections with a hydraulic opening of 60 sq ft and out-to-out length of 37', and grouted rock cut-off walls over the UNT to Middle Wheeling Creek, 2. place and maintain fill in 173 LF of Middle Wheeling Creek (WWF) and construct and maintain 156 LF of relocated channel with natural stream bed material, live stake riparian plantings, and livestock fencing, 3. place and maintain fill, including R-6 rock, as part of a roadway embankment within the floodway along 183 LF of the left bank of Middle Wheeling Creek, 4. remove the existing 18-inch dia. CMP stormwater outfall structure and construct and maintain a stormwater outfall in the same location consisting of 24" dia. HDPE pipe spilling onto the R-6 roadway embankment in the Middle Wheeling Creek floodway described previously, 5. remove the existing 18-inch dia. CMP owned by West Finley Township and construct and maintain a stormwater outfall in the same location consisting of 24" dia. HDPE pipe spilling onto the R-6 roadway embankment in the Middle Wheeling Creek floodway described previously, for the purposes of replacing a dilapidated structure carrying SR 3021 over a UNT to Middle Wheeling Creek. Cumulatively, since some im-

pacts overlap, the project will have a permanent impact of 423 LF and a temporary impact of 356 LF on Middle Wheeling Creek and the UNT to Middle Wheeling Creek. Mitigation will be achieved through restoration of temporary impacts and the relocation of Middle Wheeling Creek into a 156 LF channel constructed with natural streambed materials, live stake riparian plantings, and livestock fencing. The project site is located on McGuffey Rd (SR 3021) near the intersection of Walnut Valley Road. Latitude: 40.067261°, Longitude: -80.480711°.

E2605221-003. Fore Golf Company, 440 Pleasant Valley Road, Connellsville, PA 15425, Bullsken Township, **Fayette County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: December 23, 2021.

To amend Permit No. E26052-389, which authorized the following: 1. Operate and maintain a 78-foot by 8-foot single span bridge over Mounts Creek (WWF); 2. Operate and maintain 466 feet of cart path pavement in the floodway of the unnamed tributary to Mounts Creek (WWF); 3. Operate and maintain a 24-inch CPP stormwater pipe along the right descending bank of the UNT to Mounts Creek; 4. Operate and maintain two 8-inch PVC outfall structures that drain the pond along the right descending bank of the UNT to Mounts Creek. 5. Operate and maintain 4,000 square feet of pond located in the floodway of the UNT to Mounts Creek; 6. Operate and maintain a 32-foot by 8-foot single span bridge that provides access to green within a pond; 7. Operate and maintain a 30-foot by 8-foot single span bridge that provides access to a second green along the aforementioned pond; 8. Operate and maintain a 25-foot by 10-foot single span bridge for cart passage along a second pond. This amendment proposes to: 1. Operate and maintain 400 feet of stream bank stabilization with R-4 riprap along both banks of Mounts Creek, and grading within the floodway; 2. Operate and maintain 1,050 feet of pond bank stabilization with R-4 riprap along a pond (Pond # 1); 3. Operate and maintain 610 feet of pond bank stabilization with R-4 riprap along a pond (Pond # 2); 4. Operate and maintain 72 feet of 8-inch diameter concrete inlet pipe for a yard drain within the floodway of Spruce Run (WWF), which replaced an 8-inch diameter pipe of equal length in the same location; 5. Operate and maintain a 78-foot long, 8-foot wide foot bridge within Mounts Creek; 6. Operate and maintain a 125-foot by 170-foot earthen mound within the floodway of the UNT to Mounts Creek; for the purpose of improving an existing golf course. Cumulatively, the project will permanently impact 478 feet of Mounts Creek, permanently impact 0.53 acre of the floodway of Mounts Creek, permanently impact 0.008 acre of the floodway of Spruce Run, and permanently impact 0.67 acre of the floodway of the UNT to Mounts Creek. Latitude: 40.066389°, Longitude: -79.544167°.

ENVIRONMENTAL ASSESSMENTS

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

Contact: RA-EPEASTERNNOGPRG@pa.gov.

EA5829222-005. Regency Marcellus Gas Gathering, LLC, 101 West Third St., Williamsport, PA 17701, Lenox Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 29, 2022.

To construct, operate, and maintain: 1. a stream restoration/stabilization project impacting 173 lineal feet

and 7,754 square feet of floodway impact to Partners Creek (CWF, MF) (Lenoxville, PA Quadrangle; Lat. 41.711122°, Long. -75.698733°). The Regency Marcellus Gas Gathering, LLC (Regency) Herbert Well Connect—Partners Creek Restoration project proposes to restore a reach of Partners Creek that is crossed by the Herbert Well Connect Natural Gas Pipeline. The project is located within Lenox Township, Susquehanna County, PA. The project will result in 173 lineal feet and 7,754 square feet of floodway impacts to Partners Creek (CWF, MF) for the purpose of preventing stream degradation and as part of operation and maintenance of an existing natural gas gathering line for conveyance to market.

EA5829222-003. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Auburn Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022.

To construct, operate, and maintain: 1. a temporary workspace impacting 828 square feet (0.02 acre) of palustrine forested wetland (PFO) (Auburn Center, PA Quadrangle; Lat. 41.666138°, Long. -76.094787°). The Nickolyn SUS Pad project is located in Auburn Township, Susquehanna County. The project will result in 0.02 acre (828 square feet) of temporary PFO wetland impacts all for the purpose of constructing, operating, and maintaining a Marcellus Shale natural gas well site.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

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

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

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

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

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

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

bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

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

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 *et seq.*, is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dept 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. Dept. 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. Dept of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD140011	Chapter 102 Individual NPDES Permit	Issued	Grays Wood Partnership 1952 Waddle Road State College, PA 16803-1649	Patton Township Centre County	NCRO
PAD180027	Chapter 102 Individual NPDES Permit	Issued	Horses of Hope, Inc. P.O. Box 94 Lock Haven, PA 17745	Pine Creek Township Clinton County	NCRO
PAD200008	Chapter 102 Individual NPDES Permit	Issued	Conneaut Lake Joint Municipal Authority Crawford County 9888 State Highway 285 Conneaut Lake, PA 16316-2522	Conneaut Lake Borough Sadsbury Township Summit Township Crawford County	NWRO
PAD400002	Chapter 102 Individual NPDES Permit	Issued	Walden Estates Inc. 57 N Mountain Boulevard Mountain Top, PA 18707-1116	Fairview Township Luzerne County	NERO
PAD400008	Chapter 102 Individual NPDES Permit	Issued	Presidential Land Co. Ltd 435 W Centre Street Mahanoy City, PA 17984	Rice Township Luzerne County	NERO
PAD400056	Chapter 102 Individual NPDES Permit	Issued	Misericordia University 301 Lake Street Dallas, PA 18612-7752	Dallas Township Luzerne County	NERO
PAD440001	Chapter 102 Individual NPDES Permit	Issued	Glenn O Hawbaker, Inc. 1952 Waddle Road Suite 203 State College, PA 16803-1649	Armagh Township Mifflin County	SCRO
PA0245356	Industrial Stormwater Individual NPDES Permit	Issued	International Paper Co. 6283 Tri-Ridge Boulevard Loveland, OH 45241	West Sadsbury Township Chester County	SERO
PAS222204	Industrial Stormwater Individual NPDES Permit	Issued	Consolidated Storage Co. Inc. 225 Main Street Tatamy, PA 18085-7059	Tatamy Borough Northampton County	NERO
0814804	Joint DEP/PFBC Pesticides Permit	Issued	Queen Esther Lot Owners Association P.O. Box 934 Sayre, PA 18840-0934	Athens Township Bradford County	NCRO
1122800	Joint DEP/PFBC Pesticides Permit	Issued	Windber CC 1392 Forest Hills Drive Salix, PA 15952-9201	Adams Township Cambria County	SWRO
1522812	Joint DEP/PFBC Pesticides Permit	Issued	Bentley Bill 398 N Manor Road Elverson, PA 19520-9187	West Nantmeal Township Chester County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1522816	Joint DEP/PFBC Pesticides Permit	Issued	Downingtown Borough Chester County 4 West Lancaster Avenue Downingtown, PA 19335	Downingtown Borough Chester County	SERO
4522804	Joint DEP/PFBC Pesticides Permit	Issued	Cresco Realty LLC 1 Weiler Drive Cresco, PA 18326-9804	Barrett Township Monroe County	NERO
4622812	Joint DEP/PFBC Pesticides Permit	Issued	Link Cynthia 1256 Bleim Road Pottstown, PA 19464-2122	Lower Pottsgrove Township Montgomery County	SERO
3691201	Land Application and Reuse of Industrial Waste Individual WQM Permit	Issued	Darling Ingredients, Inc. P.O. Box 369 693 Wide Hollow Road Terre Hill, PA 17581-0369	East Earl Township Lancaster County	SCRO
PA0060089	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Middle Smithfield Township Monroe County 147 Municipal Drive East Stroudsburg, PA 18302-9519	Middle Smithfield Township Monroe County	NERO
4912201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Rushtown Poultry, LLC 90 Court Street Bethel, PA 19507	Rush Township Northumberland County	NCRO
PA0082066	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Darling Ingredients, Inc. P.O. Box 369 693 Wide Hollow Road Terre Hill, PA 17581-0369	East Earl Township Lancaster County	SCRO
PA0023051	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Palmerton Borough Municipal Authority Carbon County 443 Delaware Avenue Palmerton, PA 18071-1908	Palmerton Borough Carbon County	NERO
PA0038733	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	East Providence Township Municipal Authority Bedford County P.O. Box 83 Breezewood, PA 15533-0083	East Providence Township Bedford County	SCRO
PA0082589	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055	Fairview Township York County	SCRO
0101402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Cumberland Township Authority Adams County 1370 Fairfield Road Gettysburg, PA 17325-7267	Cumberland Township Adams County	SCRO
6576417	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Unity Township Municipal Authority Westmoreland County 370 Pleasant Unity Mutual Road Greensburg, PA 15601-6388	Unity Township Westmoreland County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6703405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Stewartstown Borough Authority York County 6 North Main Street Stewartstown, PA 17363-4132	Stewartstown Borough York County	SCRO
NOEXNW221	No Exposure Certification	Issued	IRG Erie Inc. 1001 State Street Erie, PA 16501-1814	Erie City Erie County	NWRO
NOEXSE340	No Exposure Certification	Issued	Nabors Drilling USA, Inc. 515 W Greens Road Suite 1000 Houston, TX 77067-4536	West Whiteland Township Chester County	SERO
NOEXSW223	No Exposure Certification	Denied	PA American Water Co. 300 Galley Road McMurray, PA 15317-2391	Bethel Park Borough Allegheny County	SWRO
PAR212217	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Castek, Inc. 20 Jones Street New Rochelle, NY 10801-6000	Salem Township Luzerne County	NERO
0422403	Sewer Extensions Individual WQM Permit	Issued	Hopewell Township Beaver County 1700 Clark Boulevard Aliquippa, PA 15001-4205	Hopewell Township Beaver County	SWRO
PA0232718	Single Residence STP Individual NPDES Permit	Issued	Hall David A 1190 Pleasant Hills Road Williamsport, PA 17701-8439	Eldred Township Lycoming County	NCRO
PA0290718	Single Residence STP Individual NPDES Permit	Issued	Becker Paul 237 Callodine Avenue Buffalo, NY 14226-3129	Farmington Township Warren County	NWRO
PA0290793	Single Residence STP Individual NPDES Permit	Issued	Petruska Gregory 269 State Road Valencia, PA 16059-2221	Middlesex Township Butler County	NWRO
PA0290858	Single Residence STP Individual NPDES Permit	Issued	Vargason Matthew 138 Turkey Farm Road Titusville, PA 16354	Cherrytree Township Venango County	NWRO
1022410	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Petruska Gregory 269 State Road Valencia, PA 16059-2221	Middlesex Township Butler County	NWRO
6122402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Vargason Matthew 138 Turkey Farm Road Titusville, PA 16354	Cherrytree Township Venango County	NWRO
6222406	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Becker Paul 237 Callodine Avenue Buffalo, NY 14226-3129	Farmington Township Warren County	NWRO
PA0290700	Small Flow Treatment Facility Individual NPDES Permit	Issued	Stelter Robert 1319 Willowbrook Road New Castle, PA 16101-5415	Oakland Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1022407	Small Flow Treatment Facility Individual WQM Permit	Issued	Stelter Robert 1319 Willowbrook Road New Castle, PA 16101-5415	Oakland Township Butler County	NWRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510269	PAG-02 General Permit	Issued	4250 Wissahickon Avenue, Inc. 1735 Market Street Concourse Level Philadelphia, PA 19103	City of Philadelphia Philadelphia County	SERO RA-EPNPDES_SERO@pa.gov
PAC400243	PAG-02 General Permit	Issued	Charles Finn 373 Municipal Road Dallas, PA 18612	Franklin Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@PA.GOV
PAC090538	PAG-02 General Permit	Issued	RE Alliance, LLC 711 Hyde Park Doylestown, PA 18901	Perkasie Borough Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215.345.7577 x110 RA-EPNPDES_SERO@pa.gov
PAC090090	PAG-02 General Permit	Issued	Doylestown Township 425 Wells Road Doylestown, PA 18901	Doylestown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215.345.7577 x110 RA-EPNPDES_SERO@pa.gov
PAC090427 A-2	PAG-02 General Permit	Issued	Pennridge School District 1200 N. 5th Street Perkasie, PA 18960	East Rockhill Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215.345.7577 x110 RA-EPNPDES_SERO@pa.gov
PAC090551	PAG-02 General Permit	Issued	LCP Morrisville, LP One North Wacker Drive Suite 1925 Chicago, IL 60606-2180	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@pa.gov
PAC090513	PAG-02 General Permit	Issued	Robert Trofimowicz 5791 Rodgers Road Pipersville, PA 18947	Bedminster Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090523	PAG-02 General Permit	Issued	Sal Lapio, Inc. 104 Mill Road Sellersville, PA 18960	West Rockhill Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@pa.gov
PAC150309	PAG-02 General Permit	Issued	MBID of Delaware, LLC 5 Powell Lane Collinswood, NJ 08108	Caln Township Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@pa.gov
PAC150312	PAG-02 General Permit	Issued	HG Properties 90, L.P. 345 Main St. Suite 112 Harleysville, PA 19438	Schuylkill Township Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@pa.gov
PAC350140	PAG-02 General Permit	Issued	Geisinger Community Medical Center 100 N Academy Ave. Danville, PA 17822-2455	City of Scranton Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086 RA-EPWW-NERO@PA.GOV
PAC390033	PAG-02 General Permit	Issued	The Waterfront Development Company 3 Furnace St. Allentown, PA 18102	City of Allentown Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@PA.GOV
PAC540122	PAG-02 General Permit	Issued	Sheetz, Inc. Attn: Mr. Robert Franks 351 Sheetz Way Claysburg, PA 16625	City of Pottsville Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742 RA-EPWW-NERO@PA.GOV
PAC600090	PAG-02 General Permit	Issued	Walnut Buildings, LLC 216 St Anthony Street Lewisburg, PA 17837	Lewisburg Borough Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837-8822 570-524-3860
PAC360081 A-2	PAG-02 General Permit	Issued	Alido Group LP P.O. Box 375 Intercourse, PA 17543	Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2520 RA-EPSCWWPABULL@pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360384 A-3	PAG-02 General Permit	Issued	Beiler Home Builders 1096 May Post Office Road Quarryville, PA 17566	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2520 RA-EPSCWWPABULL@pa.gov
PAC100275	PAG-02 General Permit	Issued	Spencer D Geibel 140 New Castle Road Butler, PA 16001	Butler Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250063A1	PAG-02 General Permit	Issued	Millcreek Township School District 3740 West 26th Street Erie, PA 16506	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC100231	PAG-02 General Permit	Issued	Meadow Ridge Partners LLC 3413 Babcock Boulevard Pittsburgh, PA 15237	Forward Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC360762	PAG-02 General Permit	Issued	Costello Builders Inc. P.O. Box 95 East Petersburg, PA 17520	Lancaster Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2520 RA-EPSCWWPABULL@pa.gov
PAC630260	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Donora Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC360741	PAG-02 General Permit	Issued	Lancaster Bible College 901 Eden Rd Lancaster, PA 17601	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-874-2520 RA-EPSCWWPABULL@pa.gov
PAC040107	PAG-02 General Permit	Issued	Brighton Township 1300 Brighton Road Beaver, PA 15009	Brighton Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC630235A-1	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Amwell Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

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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>
PAC650310	PAG-02 General Permit	Issued	PennDOT Engineering District 12-0 825 North Gallatin Avenue Ext Uniontown, PA 15401	Allegheny Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC380180 A-1	PAG-02 General Permit	Issued	Linford Snyder 90 Court Street Bethel, PA 17042	Swatara Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275 RA-EPSCWWPABULL@ pa.gov
PAC630255	PAG-02 General Permit	Issued	Tomahawk 123 LLC 951 Cagni Drive Canonsburg, PA 15317	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC380246	PAG-02 General Permit	Issued	Jon Fitzkee 400 South 8th Street Room 207 Municipal Building Lebanon, PA 17042	City of Lebanon North Cornwall Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275 RA-EPSCWWPABULL@ pa.gov
PAC650329	PAG-02 General Permit	Issued	Lower Burrell Municipal Authority 2800 Bethel Street Lower Burrell, PA 15068	City of Lower Burrell Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15301 724-837-5271
PAC380253	PAG-02 General Permit	Issued	Pine Hill Building Company 100 Highlands Drive Suite 209 Lititz, PA 17543	North Cornwall Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275 RA-EPSCWWPABULL@ pa.gov
PAC650330	PAG-02 General Permit	Issued	Peoples Natural Gas, LLC 195 Donahoe Road Greensburg, PA 15601	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC380251	PAG-02 General Permit	Issued	Duane Copenhaver 984 Forney Lane Lebanon, PA 17042	South Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275 RA-EPSCWWPABULL@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC650316A-1	PAG-02 General Permit	Issued	Westmoreland County Industrial Development Corporation 40 North Pennsylvania Avenue 5th Floor Suite 520 Greensburg, PA 15601	East Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC380250	PAG-02 General Permit	Issued	PA Department of Military & Veteran Affairs Building 11-64 Utility Road, FTIG Annville, PA 17003	East Hanover Township Union Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275 RA-EPSCWWPABULL@ pa.gov
PAC650320	PAG-02 General Permit	Issued	4765 Old William Penn Re, LLC 1170 Pittsford Victor Road Suite 260 Pittsford, NY 14534	Murrysville Borough Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC380254	PAG-02 General Permit	Issued	HPW Properties, LLC 1213 Orchard Road Lititz, PA 17543	South Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275 RA-EPSCWWPABULL@ pa.gov
PAC650325	PAG-02 General Permit	Issued	Westmoreland Pool 112 Washington Place Pittsburgh, PA 15219	Arona Borough Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650289A-1	PAG-02 General Permit	Issued	AI. Neyer LLC 11 Stanwix Street Suite 1050 Pittsburgh, PA 15222	Hempfield Township Coraopolis Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650254A-1	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC670568	PAG-02 General Permit	Issued	1049PA, LLC Noah Mehrkham 1055 Thomas Jefferson Street NW Suite 250 Washington DC, DC 20007	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 RA-EPSCWWPABULL@ pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670577	PAG-02 General Permit	Issued	J. A. Myers Building & Development Inc. Joseph A. Myers 160 Ram Drive Hanover, PA 17331	Hanover Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 RA-EPSCWWPABULL@ pa.gov
PAC160045	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Perry Township Clarion County	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813
PAC280153 A-1	PAG-02 General Permit	Issued	Loren Leid Leid Poultry Operation 13690 Mongul Hill Road Shippensburg, PA 17257-9105	Southampton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 17-264-5499 ext. 107 RA-EPSCWWPABULL@ pa.gov
PAC160017A1	PAG-02 General Permit	Issued	Speyside Bourbon Cooperage P.O. Box 509 Jackson, OH 45640	Clarion Township Clarion County	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813
PAC280281	PAG-02 General Permit	Issued	Steven Lynch Sheetz, Inc. 351 Sheetz Way Claysburg, PA 16225	Greencastle Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499 ext. 107 RA-EPSCWWPABULL@ pa.gov
PAC280295	PAG-02 General Permit	Issued	John Massimilla WellSpan Properties, Inc. 101 South George Street York, PA 17405	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499 ext. 107 RA-EPSCWWPABULL@ pa.gov
PAC280297	PAG-02 General Permit	Issued	Aaron Ziebarth CBM Ministries of South-Central Pennsylvania, Inc. 3741 Joy-El Drive Greencastle, PA 17225-9001	Saint Thomas Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499 ext. 107 RA-EPSCWWPABULL@ pa.gov
PAC560061	PAG-02 General Permit	Issued	Department of General Services 1800 Herr Street Harrisburg, PA 17103	Somerset Township Somerset County	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC250168	PAG-02 General Permit	Issued	PLP XII LLC 2906 Copperleaf Drive Erie, PA 16509	Harborcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250170	PAG-02 General Permit	Issued	Iron Peak Industries LLC 11560 Wilson Road North East, PA 16428	Greene Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC020585A-1	PAG-02 General Permit	Issued	West Penn Power Company 800 Cabin Hill Drive Greensburg, PA 15601	Springdale Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 4122918005 SWRO
PAC020827	PAG-02 General Permit	Issued	Compton Addy 3805 Edwards Road Suite 390 Cincinnati, OH 45209	Robinson Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020838	PAG-02 General Permit	Issued	Edgeworth Center Retirement Residence 100 West Station Square Drive Suite 350 Pittsburgh, PA 15219	Edgeworth Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020475A-2	PAG-02 General Permit	Issued	Continental Real Estate Companies 150 East Broad Street Columbus, OH 43215	McCandless Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020840	PAG-02 General Permit	Issued	Landowner 128 Majestic Drive Mars, PA 16046	Pine Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's

rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

**NUTRIENT MANAGEMENT PLAN
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Barry Good 1695 Rake Road Mohrsville, PA 19541	Berks County	269.67	314	Poultry	NA	Approved
Spring Pond Farm 93 Deck Road Womelsdorf, PA 19567	Berks County	112.9	407.11	Poultry	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Construction Permit No. 1522514, Major Amendment, Public Water Supply.

Applicant	Highland Court
Address	3982 West Lincoln Highway Parksberg, PA 19356-1776
Municipality	Highland Township
County	Chester County
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401
Application Received	June 24, 2022
Permit Issued	August 29, 2022
Description	Corrosion control facilities, flow switch for caustic soda feed pump, replace chlorine and caustic pumps.

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

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

Contact: Nicole Mechtly, Clerical Supervisor II, (570-327-3490).

Operation Permit 5922501MA. PWSID No. **2590018**. **KA Middlebury Mobile Home Park, LLC**, 34 Brennan Way, Hillsborough, NJ 08844, Middlebury Township, **Tioga County**. Application received: August 16, 2022. Permit Issued: August 29, 2022. This permit authorizes the water system to operate two Flexcon Mixmaster Model BAF-120 120-gallon tanks constructed of fiberglass.

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

Contact: Gillian Pehala, Clerical Assistant 2, (570) 830-3077.

Operation Permit 2400026. PWSID No. **2400026.** **The Pennsylvania State University Wilkes-Barre Campus**, 209 Water Treatment Plant, University Park, PA 16802, Lehman Township, **Luzerne County**. Application received: July 19, 2022. Permit Issued: July 22, 2022. Operation Permit issued following the completion of warranty punch list work on elevated water storage tank.

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

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

Construction Permit 2222514 MA. PWSID No. **7220038.** **Borough of Middletown**, 60 West Emaus Street, Middletown, PA 17057, Middletown Borough, **Dauphin County**. Application received: June 9, 2022. Permit Issued: August 15, 2022. Repainting and modifications to the Turnpike finished water storage tank.

Construction/Operation Permit 2222515 MA. PWSID No. **7220017.** **Pennsylvania American Water**, 852 Wesley Park Drive, Mechanicsburg, PA 17055, South Hanover Township, **Dauphin County**. Application received: June 21, 2022. Permit Issued: August 16, 2022. Replacement of the four existing online chlorine analyzers with new amperometric analyzers.

Construction Permit 0120501. PWSID No. **7010036.** **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316, Reading Township, **Adams County**. Application received: July 7, 2022. Permit Issued: August 26, 2022. Re-permitting of Well No. 3 with the installation of uranium and radon treatment and GWR 4-log disinfection.

NCWSA Operation Permit 7220888. PWSID No. **7220888.** **Lake Tobias Wildlife Park**, 760 Tobias Road, Halifax, PA 17032, Halifax Township, **Dauphin County**. Application received: July 13, 2022. Permit Issued: August 24, 2022. Operation of Well No. 3 with a cartridge filter and UV disinfection.

NCWSA Operation Permit 7010830. PWSID No. **7010830.** **Red Barns, LLC**, 1284 Town Hill Road, York Springs, PA 17372, Latimore Township, **Adams County**. Application received: August 16, 2022. Permit Issued: August 26, 2022. Installation of Well No. 1—3 with cartridge filters and sodium hypochlorite disinfection with contact tanks.

Operation Permit 2219507 MA. PWSID No. **7220005.** **Gratz Borough Water Revenue Fund**, P.O. Box 444, Gratz, PA 17030, Gratz Borough, **Dauphin County**. Application received: August 11, 2022. Permit Issued: August 30, 2022. Partial permit for the operation of the treatment plant and meter pit Spring controls.

Operation Permit 6719511 MA. PWSID No. **7670085.** **Dallastown-Yeo Water Company**, 175 East Broad Street, Dallastown, PA 17313, Dallastown Borough, **York County**. Application received: August 11, 2022. Permit Issued: August 30, 2022. Partial operation permit for the new South Park Street storage tank and modifications to the existing Denton elevated storage tank.

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

Construction Permit 0522501. PWSID No. **4050497.** **Shellbark Campground, LLC**, 121 Pecan Road, Manns Choice, PA 15550, Napier Township, **Bedford County**. Application received: March 14, 2022. Permit Issued: July 20, 2022. Construction permit for 4-log disinfection treatment of viruses using sodium hypochlorite.

Construction Permit 6722507 MA. PWSID No. **7670082.** **New Freedom Borough**, 49 East High Street, New Freedom, PA 17349, New Freedom Borough and Shrewsbury Township, **York County**. Application received: May 11, 2022. Permit Issued: August 3, 2022. Construction permit for new chemical feed pumps to replace existing feed pumps.

Operation Permit 4050009. PWSID No. **4050009.** **Hillside Terrace MHP, LLC**, 2958 Willow Street Pike, Willow Street, PA 17584, East Saint Clair Township, **Bedford County**. Application received: June 29, 2022. Permit Issued: July 13, 2022. Comprehensive Operation Permit updated to include the operation of the iron and manganese treatment removal system.

Construction Permit 2122506 MA. PWSID No. **7210029.** **Pennsylvania-American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, Fairview Township, **York County**. Application received: June 20, 2022. Permit Issued: September 1, 2022. Construction permit for the replacement of the polymer feed pumps at the West Shore Water Treatment Plant.

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

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

Operation Permit 1122504MA. PWSID No. **4110017.** **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904, Croyle Township, **Cambria County**. Application received: July 5, 2022. Permit Issued: August 30, 2022. Replacement of approximately 20,000 linear feet of 12-inch, 10-inch, 4-inch, and 2-inch diameter transmission and distribution waterline and appurtenances along Beaver Run Avenue, Mill Road, Lake Road, and Frankstown Road; and the installation of five pressure reducing valves (Water System Improvements Project).

Operation Permit 1122502MA. PWSID No. **4110800.** **Saint Francis University of Pennsylvania**, 117 Lakeview Drive, Loretto, PA 15940, Loretto Borough, **Cambria County**. Application received: August 12, 2022. Permit Issued: August 31, 2022. Operation of Filters 3 and 4 at Saint Francis water treatment facility.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Contact: Cory Zimmerman, Sewage Planning Specialist, 717-705-4793.

Plan Location:

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Leacock Township	3545 W. Newport Road Ronks, PA 17572	Lancaster County

Plan Description:

Daniel M. King Subdivision, A3-36935-318-2. The revision to the official plan of Leacock Township, **Lancaster County** for the Daniel M. King Subdivision (DEP Code No. A3-36935-318-2; APS ID No. 1065917) has been disapproved. The proposed development to be located at 997 Musser School Road in Gordonville—consists of a residential lot using on-lot disposal with a proposed groundwater recharge easement. This plan revision has been disapproved because a replacement absorption area was proposed within the proposed groundwater recharge easement and also because the groundwater recharge easement, as proposed, may only partially contain the plume from the new lot as the plume moves with topography.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Vitro Meadville Flat Glass, LLC, Primary Facility ID # **857354**, 5123 Victory Boulevard, Cochranon, PA 16314, Greenwood Township, **Crawford County**. Geosyntec Consultants, 5313 Campbells Run Road, Suite 150, Pittsburgh, PA 15205 on behalf of Vitro Meadville Flat Glass, LLC, 5123 Victory Boulevard, Cochranon, PA 16314, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, cumene (isopropylbenzene), methyl tert-butyl ether (MTBE), naphthalene, 1,2,4-trimethyl benzene and 1,3,5-trimethyl benzene. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 31, 2022.

Beechwood Pad A (411 Boundary Lane), Primary Facility ID # **855182**, 411 Boundary Lane, St. Marys, PA 15857, City of Saint Marys, **Elk County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Pin Oak Energy Partners, LLC, 388 South Main Street, Akron, OH 44311, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil and groundwater contaminated with in soil Aluminum, Lithium, Strontium, Barium, Manganese, Zinc, Boron, Selenium, Iron, Chloride; in groundwater Barium, Lithium, Vanadium, Boron, Selenium, Zinc, Strontium, and Chloride. The Final Report demonstrated attainment of the Site-Specific, Statewide Health & Background. Approved: September 6, 2022.

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

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

New Enterprise Stone & Lime Co., Inc.—Hinkletown Aggregates, Primary Facility ID # **858452**, 606 Martindale Road, Ephrata, PA 17522, Earl Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of New Enterprise Stone & Lime Co., Inc., 3580 Division Highway, East Earl, PA 17519, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 24, 2022.

Peggy Roshong Property, Primary Facility ID # **857668**, 10 Crusher Road, Douglassville, PA 19518, Union Township, **Berks County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on

behalf of Peggy Roshong, 10 Crusher Road, Douglassville, PA 19518, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: September 2, 2022.

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

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

Derry Station, Primary Facility ID # **831044**, 200 West 2nd Avenue, Derry, PA 15627, Derry Borough, **Westmoreland County**. Resource Control Consultants, LLC, 10 Lippincott Lane, Unit 1, Mt Holly, NJ 08060 on behalf of National Church Residencies, 2335 North Bank Drive, Columbus, OH 43220, submitted a Final Report concerning remediation of soil and groundwater contaminated with anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, chrysene, fluorene, indeno(1,2,3-cd)pyrene, phenanthrene, pyrene, aroclor 1254, aluminum, antimony, arsenic, barium, beryllium, boron, chromium III, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, tin, zinc, and vanadium for soils; and barium, beryllium, cobalt, copper, iron, magnesium, nickel, selenium, silver, thallium, vanadium, zinc, aluminum, antimony, arsenic, chromium III, lead, and manganese for groundwater. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: September 2, 2022.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

New Transporter License Issued

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

Contact: Jonathan Adams.

Potomac Environmental, Inc., P.O. Box 1836, Stafford, VA 22555-1836. **License No. PA-AH 0925**. Application received: June 29, 2022. Effective August 31, 2022.

Transporter License Renewed

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

Contact: Jonathan Adams.

2347854 Ontario, Inc., 1818 Burlington Street E, Hamilton, ON L8H 3L4. **License No. PA-AH 0817**. Application received: August 8, 2022. Effective August 18, 2022.

Heritage-Crystal Clean, LLC, 2000 Center Drive, Hoffman Estates, IL 60192. **License No. PA-AH 0672**. Application received: July 21, 2022. Effective August 31, 2022.

Transervice Logistics, Inc., 5 Dakota Drive, Lake Success, NY 11042. **License No. PA-AH 0702**. Application received: August 30, 2022. Effective August 30, 2022.

Transporter License Voluntarily Terminated

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

Contact: Jonathan Adams.

Dynamic Environmental Services, LLC, P.O. Box 697, Geismar, LA 70734-0697. **License No. PA-AH 0905**. Application received: September 1, 2022. Effective September 1, 2022.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

Transporter License Renewed

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

Contact: Jonathan Adams.

Approved Storage & Waste Hauling MA, Inc., 110 Edison Avenue, Mount Vernon, NY 10550. **License No. PA-HC 0273**. Received on August 30, 2022. Effective August 30, 2022.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

Actions(s) Taken on Draft Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

Contact: Roger Bellas, Environmental Program Manager, 570-826-2201.

PAD981038227. World Resources Company, 984 West Broadway, Suite 3, Jackson, WY 83001, Norwegian Township, **Schuylkill County**. The Commonwealth of Pennsylvania, Department of Environmental Protection (DEP) intends to issue to World Resources Company (WRC) a Solid Waste Management Act Permit. This permit is a renewal of the permit to operate a Hazardous Waste treatment and storage facility at 170 Walnut Lane, Pottsville, PA 17901. The renewed permit will allow the existing facility to remain in operation for another ten (10) years. WRC specializes in the production of non-

-ferrous metal concentrate products from select metal-bearing industrial waste streams. These metal bearing wastes are the by-product of the wastewater treatment and manufacturing activities at firms utilizing electroplating and surface finishing technologies, principally in the electronics and metal finishing industries. During the production of the metal concentrates, WRC treats and stores recyclable materials on site in the facility Containment Building, utilizing a Receiving, Inspection and Sampling Receptacle (RISR), a Hydrometallurgical Process System, two concentrating units, a compounding unit, and a mechanical shredding/size reduction unit. The public will be given forty-five (45) days to comment on the draft permit, issued September 15, 2022 and prepared under the Solid Waste Management Act. The comment period will begin on September 17, 2022 and will end on November 1, 2022. Any person interested in commenting on the application or draft permit must do so within this comment period. An information repository has been established at the DEP Northeast Regional Office. Application received: March 9, 2021.

Persons interested in reviewing the permit may contact Roger Bellas, Environmental Program Manager, 570-826-2511, rbellas@pa.gov, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

Contact: Mohamad Mazid, Chief, Technical Services, Phone Number 484-250-5768.

WMGR081SE013. Universal Waste Solutions, LLC, 4301 N. Delaware Avenue, Building B, Philadelphia, PA 19137-1934, City of Philadelphia, **Philadelphia County**. This General Permit application is for Determination of Applicability (DOA) under the conditions defined within General Permit No. WMGR081 for sorting, disassembling and mechanical processing by sizing, shaping, separating and volume reduction only of electronic waste prior to reuse or recycle at Universal Waste Solutions Facility. Application received: December 10, 2021. Denied: September 1, 2022.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Contact: Lisa Houser, P.E., Environmental Engineer Manager, 570-327-3752.

100963. Lycoming County Resource Management Service, P.O. Box 187, 447 Alexander Drive, Montgomery, PA 17752, Brady Township, **Lycoming County**. Minor permit modification for the installation of the tertiary liner system in the leachate tank. Application received: March 4, 2022. Permit issued: August 30, 2022.

Persons interested in reviewing the permit may contact Lisa Houser, P.E., Environmental Engineer Manager, 570-372-3752, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

100963. Lycoming County Resource Management Service, P.O. Box 187, 447 Alexander Drive, Montgomery, PA 17752, Brady Township, **Lycoming County**. Minor permit modification for a new final closure cap system. Application received: March 14, 2022. Permit issued: August 30, 2022.

Persons interested in reviewing the permit may contact Lisa Houser, P.E., Environmental Engineer Manager, 570-372-3752, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

301626. White Pines Corporation, 515 State Route 442, Millville, PA 17846, Pine Township, **Columbia County**. Minor permit modification for the construction of a leachate storage impoundment (Basin # 3) at the White Pines Landfill. Application received: February 14, 2022. Permit issued: August 30, 2022.

Persons interested in reviewing the permit may contact Lisa Houser, P.E., Environmental Engineer Manager, 570-372-3752, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.

400665. Erie Sewer Authority/City of Erie, 68 Port Access Road, Erie, PA 16507-2202, City of Erie, **Erie**

County. Permit Renewal for the operation of an incinerator for the City of Erie Wastewater Treatment Plant to process the treatment plant's sludge prior to landfill disposal. The permit renewal does not change any existing permit conditions but provides an additional ten-years of operation. Application received: June 16, 2022. Renewed: August 30, 2022.

Persons interested in reviewing the permit may contact Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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

Contact: Waste Management Program Manager, 412-442-4000.

100590. BFI Waste Systems of North America LLC, 334 Walley Run Road, Leeper, PA 16233, Fallowfield Township, **Washington County.** Modification of the Closure Plan for the closed Mon Valley Landfill located at 30 Fox Stop Road, Charleroi, PA 15022-3626. Application received: September 11, 2020. Approved: August 26, 2022.

Persons interested in reviewing the permit may contact Regional Files by telephone at 412-442-4100, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

Contact: Waste Management Program Manager, 412-442-4000

301291. INEOS Composites US, LLC, 5220 Blazer Parkway, Dublin, OH 43017, Neville Township, **Allegheny County.** An individual permit was reissued to INEOS Composites US, LLC for the residual waste incinerator located at 2650 Neville Road, Neville Township, PA due to a change in ownership. The permit was previously issued to Ashland, LLC. Application received: May 21, 2019. Permit issued: August 30, 2022.

Persons interested in reviewing the permit may contact Regional Files by telephone at 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

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

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

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

GP1-60-100A: Country View Family Farms, LLC, 1301 Fulling Mill Road, Suite 3000, Middletown, PA

17057, White Deer Township, **Union County.** For the construction and operation of a 24.375 MMBtu/hr, Johnston Boiler Co. model PFTA-600-4, natural gas-fired boiler, equipped with low NO_x burners, pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-1) Small Gas and No. 2 Oil Fired Combustion Units at its feed mill. Application received: August 11, 2022. Issued: August 24, 2022.

GP15-60-100A: Country View Family Farms, LLC, 1301 Fulling Mill Rd., Ste. 3000, Middletown, PA 17057, White Deer Township, **Union County.** For the construction and operation of an animal feed mill pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-15): Feed Mills, at its proposed facility. Application received: August 11, 2022. Issued: August 24, 2022.

GP1-08-00010A: Global Tungsten & Powders Corp., 1 Hawes St., Towanda, PA 18848, North Towanda Township, **Bradford County.** To construct and operate one Ware Systems model F2-DB-650X-250PSIG natural gas-fired boiler rated at a maximum of 27.19 MMBtu/hr of heat input pursuant to the General Plan Approval and General Operating Permit for Small Gas & No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) at their Towanda facility. Application received: July 19, 2022. Issued: August 23, 2022.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

Contact: Edward Orris, PE, New Source Review Chief (412-442-4168).

63-00096D: Union Electric Steel Corporation, 31 Union Electric Road, Burgettstown, PA 15021, Smith Township, **Washington County.** Authorizes the installation of two (2) direct-fired natural gas annealing furnaces, each rated at 9.9 MMBtu/hr and two (2) direct-fired natural gas forge furnaces, each rated at 15 MMBtu/hr at the existing Harmon Creek Plant. Application received: January 5, 2022. Issued: August 30, 2022.

65-01032A: Alumisource Corporation, 1145 Donner Avenue, Monessen, PA 15062, City of Monessen, **Westmoreland County.** Authorizes the installation and temporary operation of secondary aluminum smelting operations comprised of one (1) 3.125 tons/hr rotary melting furnace with associated 7 MMBtu/hr burner, one (1) 12.5 tons/hr rotary melting furnace with associated 20 MMBtu/hr burner, one (1) 2.5 tons/hr reverberatory holding furnace with associated 3 MMBtu/hr burner, pouring, and salt cake cooling. Application received: October 6, 2021. Issued: August 30, 2022.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

42-004K: American Refining Group, 77 North Kendall Avenue, Bradford, PA 16701, City of Bradford, **McKean County**. The Department has issued a plan approval extension to allow continued project shakedown activities. This is a Title V facility. Application received: July 21, 2022. Extension: August 31, 2022. Expiration date: February 28, 2023.

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

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

46-0005AU: Merck, Sharp & Dohme Corp., 770 Sumneytown Pike, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County**. An extension to (a) build a new building (Building 63—Source number 113) that will house Good Manufacturing Practices which will use cleaners and disinfectants containing VOCs; (b) install a new de minimis process operation (polysaccharide drug intermediates in Building 63) in existing Source 378; and (c) construct and install a 755 BHP, 4-stroke lean-burn natural gas-fired, caterpillar engine powering a 500 kW generator set to provide emergency back-up electrical power to building 63 at their facility. Application received: July 29, 2022. Issued: August 31, 2022.

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

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

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

25-00929: Lindy Paving, Inc., Erie (Millcreek) Asphalt Plant, 2002 Pittsburgh Avenue, Erie, PA 16502, Millcreek Township, **Erie County**. The Department issued the renewal State-Only Operating Permit of a batch mix asphalt plant. To be Synthetic Minor, the facility is subject to a facility-wide elective restriction to maintain CO below major source thresholds. Requirements of GP13-25-929A, which was used to authorize the replacement burner and baghouse, are incorporated into the permit. The permit map for the batch mix asphalt plant is also revised to reflect the replacement baghouse. As requested by the facility, a permit condition allowing use of RAP in amounts up to 25% is added. Application received: August 26, 2021. Renewed: August 25, 2022.

25-00688: UPMC Hamot, 201 State Street, Erie, PA 16550-0002, City of Erie, **Erie County**. The Department issued the renewal State Only Natural Minor Operating Permit for the medical and surgical hospital. The facility's primary emission sources include four natural gas-fired boilers with fuel oil backup, nine diesel-fueled emergency generators, one natural gas-fired emergency generator, two parts washers, and an ethylene oxide sterilizer controlled by a scrubber. The potential emissions of the primary pollutants from the facility are as follows: 4.11 TPY PM₁₀ and PM_{2.5}, 69.50 TPY NO_x, 5.83 TPY SO_x, 47.26 TPY CO, 6.87 TPY VOC, and 0.85 TPY total HAP; thus, the facility is a natural minor. The boilers include restrictions on fuel oil in order to avoid the requirements of 40 CFR 63 Subpart JJJJJ. The boilers are subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; however, the fuel oil sulfur requirements of this subpart are streamlined by 25 Pa. Code § 123.22. The diesel-fueled emergency genera-

tors are subject to 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The natural gas-fired engine is subject to 40 CFR 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The EtO sterilizer is subject to 40 CFR 63 Subpart WWWWW, National Emission Standards for Hospital Ethylene Oxide Sterilizers. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: October 1, 2021. Renewal issued: August 30, 2022.

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

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

21-05039: Land O' Lakes, Inc., 405 Park Drive, Carlisle, PA 17013-9270, South Middleton Township, **Cumberland County**. For the evaporated dairy products manufacturing facility. The State-Only permit was renewed. Application received: October 6, 2021. Issued: August 31, 2022.

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

22-03094: Sunoco Pipeline LP, 525 Fritztown Road, Sinking Spring, PA 19608, Londonderry Township, **Dauphin County**. For the natural gas liquid (ethane, propane, butane or a mixture of these) Middletown pumping station. The State-Only permit was renewed. Application received: February 28, 2022. Issued: August 30, 2022.

06-03107: Morgan Truck Body LLC dba Morgan Corp., 111 Morgan Way, P.O. Box 588, Morgantown, PA 19543-0588, New Morgan Borough, **Berks County**. For the truck body and part manufacturing facility. The State-Only permit was renewed. Application received: August 12, 2021. Issued: August 29, 2022.

22-03041: Librandi's Machine Shop, Inc., 93 Airport Drive, Middletown, PA 17057-5022, Lower Swatara Township, **Dauphin County**. For the electroplating operations and burn-off oven at the facility. The State-Only permit was renewed. Application received: February 9, 2022. Issued: September 1, 2022.

06-05108: Bally Ribbon Mills, 23 North 7th Street, Bally, PA 19503, Bally Borough, **Berks County**. For the ribbon and strap manufacturing facility. The State-Only permit was renewed. Application received: September 22, 2021. Issued: August 31, 2022.

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

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

09-00220: Donaldson Company, Inc./Feasterville, 1731 Loretta Ave., Feasterville, PA 19053, Lower Southampton Township, **Bucks County**. This action is for the renewal of a Natural Minor Operating Permit. The facility manufactures PTFE filter membranes for various industries using an extrusion press. Application received: April 12, 2021. Issued: August 30, 2022.

09-00147: Northtec, LLC/Bristol, 411 Sinclair Street, Bristol, PA 19007, Bristol Township, **Bucks County**. For the renewal of a Natural Minor Operating Permit for their inorganic pigment manufacturing facility. Solvents used in the cleanup operation (Source ID No. 101) have the potential to emit VOC. The facility also has various

miscellaneous sources consuming natural gas and one (1) diesel-fired 2,220 HP emergency generator. Application received: September 20, 2021. Issued: August 31, 2022.

46-00107: ITW Performance Polymers formerly known as ITW Engineered Polymers, 130 Commerce Drive, Montgomeryville, PA 18936, Montgomery Township, **Montgomery County**. A renewal to allow nine (9) mixers and two (2) filling stations mixing volatile organic compound (VOC) and non-VOC-containing materials for the manufacture of industrial adhesives, grouts and encapsulating epoxies at their facility. Application received: December 13, 2021. Issued: August 31, 2022.

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

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

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

53-00018: PA Pellets, LLC, 958 State Route 49 W, Ulysses, PA 16948, Ulysses Borough, **Potter County**. Issuance of an amended State Only Operating Permit to incorporate all terms and conditions specified in Plan Approval 53-00018A. Application received: August 9, 2022. Revised: September 1, 2022.

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

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

32-00197: Purchase Line School District, 16559 Route 286 Highway East, Commodore, PA 15729-8309, Green Township, **Indiana County**. The Department issued an administrative amendment to the State Only Operating Permit for the facility. The amendment incorporates the change of responsible official. Application received: June 24, 2022. Issued: August 24, 2022.

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

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

OP20-000005: Federal Detention Center, Philadelphia, 700 Arch Street, Philadelphia, PA 19016, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) administratively amended Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices to incorporate a change of permit contact, a change in facility contact, and a change of responsible official. The Synthetic Minor Operating Permit was originally issued on September 22, 2020. Application received: August 29, 2022. Permit issued: September 1, 2022.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, raepcambria@pa.gov.

Mining Permit No. 31220101. NPDES No. PA0279854. J & J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, Wood Township, **Huntingdon County**. Commencement, operation and restoration of a bituminous surface mine. Affecting 134.5 acres. Receiving streams: Great Trough Creek, classified for the following uses: TSF. Application received: January 25, 2022. Issued: August 30, 2022.

Noncoal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, raepcambria@pa.gov.

Mining Permit No. 5074SM2. NPDES No. PA0279544. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Greene and Guilford Townships, **Franklin County**. Renewal of NPDES permit. Receiving streams; UNT to Conococheague Creek classified for the following uses: CWF. Application received: December 9, 2021. Issued: August 31, 2022.

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

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

Mining Permit No. 17200301. NPDES GP-104 Permit No. PAM221020. Russell Stone Products, Inc., 2640 Greenville Pike, Grampian, PA 16838, Pike Township and Bloom Township, **Clearfield County**. Commencement, operation, and restoration of a Large Noncoal Industrial Minerals surface mine affecting 38.9 acres. Receiving stream(s): Anderson Creek and Bilger Run classified for the following use(s): CWF. A blasting permit

was issued with this surface mining permit. Application received: August 16, 2021. Accepted: August 31, 2021. Issued: September 2, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 58222507. DB Legacy Quarry, LLC, 616 Mountain Valley Road, Hallstead, PA 18822, Oakland Township and Susquehanna Depot Borough, **Susquehanna County**. Commencement, operation and restoration of a GP-105 permit for bluestone affecting 10.0 acres. Receiving stream: unnamed tributary to Susquehanna River, classified for the following uses: CWF, MF. Application received: January 31, 2022. Permit issued: September 6, 2022. Expiration date: September 6, 2032.

Mining Permit No. GP-105 No. 58222507. GP-104 No. PAM122009. DB Legacy Quarry, LLC, 616 Mountain Valley Road, Hallstead, PA 18822, Oakland Township and Susquehanna Depot Borough, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104) on a GP-105 Permit, receiving stream: unnamed tributary to Susquehanna River, classified for the following uses: CWF, MF. Application received: January 31, 2022. GP coverage issued: September 6, 2022. Expiration date: March 27, 2026.

Mining Permit No. 58212801. GP-104 No. PAM121017. Anthony P. Bennett, 3657 Old Stage Coal Road, Wyalusing, PA 18853, Rush Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104) on a Small Noncoal Permit, receiving stream: unnamed tributary to North Branch Wyalusing Creek, classified for the following uses: CWF, MF. Application received: March 11, 2021. GP coverage issued: September 6, 2022. Expiration date: March 27, 2026.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits

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

Contact: Ashley Foster, Clerical Assistant 3, 814-342-8215.

Permit No. 17224101. Wampum Hardware Co., 636 Paden Rd., New Galilee, PA 16141, Boggs Township, **Clearfield County**. Blasting for construction of a highway/road. Application received: August 23, 2022. Issued: August 25, 2022. Expiration date: December 31, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 35224107. Hayduk Enterprises, Inc., 257 Riverside Drive, Factoryville, PA 18419, Clarks Summit Borough, **Lackawanna County**. Construction blast-

ing for Todd Chambers Foundation. Application received: August 25, 2022. Permit issued: August 29, 2022. Expiration date: December 30, 2022.

Permit No. 40224112. Maurer & Scott Sales, Inc., 122 Thomas Street, Coopersburg, PA 18036, Hazle Township, **Luzerne County**. Construction blasting for Project X. Application received: August 25, 2022. Permit issued: August 29, 2022. Expiration date: August 25, 2023.

Permit No. 58224112. Accublast Explosives, LLC, 1727 Caitlin Road, Kingsley, PA 18826, New Milford Township, **Susquehanna County**. Construction blasting for John Howard residence. Application received: August 15, 2022. Permit issued: August 30, 2022. Expiration date: August 1, 2023.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

E0829222-025. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Orwell Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District.

To construct, operate and maintain a fresh water impoundment and access road impacting 13,111 square feet of a palustrine emergent (PEM) wetlands. (Rome, PA Quadrangle, Latitude: 41.837355°, Longitude: -76.275798°). This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 11,326 square feet (0.260 acre) of permanent wetland impacts and 1,785 square feet (0.041 acre) of temporary wetland impacts, all for the purpose of establishing a fresh water impoundment for natural gas development in Orwell Township, Bradford County. The permittee will provide 0.033 acre of onsite wetland restoration and 0.55 acre of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006. Application received: May 25, 2022. Issued: September 2, 2022.

E0829222-029. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Asylum Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District.

To construct, operate and maintain a well pad impacting 2,046 square feet of a palustrine emergent (PEM) wetland. (Towanda, PA Quadrangle, Latitude: 41.758049°, Longitude: -76.385968°). This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 348 square feet (0.008 acre) of permanent wetland impacts and 1,698 square feet (0.039 acre) of temporary wetland impacts, all for the purpose of establishing a well pad for Marcellus well development in Asylum Township, Bradford County. The permittee will provide 0.059 acre of onsite wetland restoration and 0.02 acre of wetland credits at the Camp Brook Restoration Site (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006. Application received: June 22, 2022. Issued: September 2, 2022.

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

Contact: Jay Maneval, Water Pollution Biologist 2, 570-327-3765.

E4104222-003. Tri-County Rural Electric Cooperative, Inc., 22 North Main Street, Mansfield, PA 16933, McHenry Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to permit and maintain an electric service across Pine Creek to replace a previously existing failed electric service. Construction activities include three new wooden monopoles, a support pole, and

two overhead electric lines, resulting in 0.002 acre of stream impact and 0.001 acre of wetland impact. Mitigation achieved through avoidance and minimization of impacts. This approval under Chapter 105, Section 105.12(a)(16) includes 401 Water Quality Certification Latitude: 41.428708°, Longitude: -77.495222°. Application received: April 1, 2022. Issued: August 30, 2022.

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

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

E1006122-006. PA DOT Engineering District 10, 2550 Oakland Avenue, Indiana, PA 15701, Adams Township and Middlesex Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a highway safety and capacity improvement project to widen approximately 2.5 miles of SR 0228, Section 19B extending east from Mars-Valencia Road (Mars and Valencia, PA Quadrangle N: 40.693414°; W: -79.977226°) in Adams and Middlesex Townships, Butler County resulting in 0.50 acre permanent wetland impact, 0.16 acre temporary wetland impact, 1874 feet permanent stream impacts and 270 feet of temporary stream impacts to UNTs to Breakneck Creek and Glade Run having less than 100 acres contributory drainage associated with the proposed roadway fill slopes and various culvert replacement/extensions. Mitigation for project impacts will include construction of 0.53 acre of wetland onsite, debit of 0.131 acre from PennDOT's Butler County Wetland Bank, and to restore 300 feet of Glade Run within the project area. Latitude: 40.693414°, Longitude: -79.977226°. Application received: May 16, 2022. Issued: August 29, 2022.

E2006222-002. Conneaut Lake Joint Municipal Authority, 9888 State Highway 285, P.O. Box 277, Conneaut Lake, PA 16313, Sadsbury Township, **Crawford County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a new 12-inch sewer line and construct and maintain improvements at the sewage treatment facility located within the FEMA Floodplain of Conneaut Outlet and crossing two streams (Conneaut Outlet and Barber Run) and one wetland, impacting 100 linear feet of stream channel and 0.15 acre of wetland for the installation of the sewer line in the area south of SR 6 at Conneaut Lake Borough, Conneaut Lake, PA in Sadsbury Township, Crawford County. Latitude: 41.601961°, Longitude: -80.298795°. Application received: January 11, 2022. Issued: August 31, 2022.

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

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

E1501221-013. Stephen and Melissa Novak Eldredge, 2261 South Valley Road, Berwyn, PA 19312, Easttown Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a 3-inch outfall with headwall and riprap apron discharging flow to an unnamed tributary to Waynesborough Run (HQ-CWF-MF) from a proposed individual residence sewage treatment plant to serve an existing four bedroom single family home. This activity will result in 35 square feet of permanent floodway impact and 152 square feet of temporary floodway impact and includes the pipe conveyance to the outfall. The outfall will have a 5-foot offset from edge

of watercourse. This project is located at 2261 South Valley Road in Easttown Township, Chester County (USGS PA Valley Forge Quadrangle). Latitude: 40.017724°, Longitude: -75.464588°. Application received: July 19, 2021. Permit issued: August 30, 2022.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager, 412-442-4000.

E0205221-013. Castle Shannon Borough, 3310 McRoberts Road, Castle Shannon, PA 15234, Castle Shannon Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Re-grade and maintain the streambanks along approximately 255 feet of Sawmill Run (WWF) from a bank-height ratio of 1.6 to 1.0; 2. Construct and maintain a 35-foot riparian buffer, with vegetative plantings, along the aforementioned reach of Sawmill Run; For the purpose of providing nutrient and sediment load reduction toward Castle Shannon Borough's MS4 requirements of their NPDES permit. Cumulatively, the project will permanently impact 291 feet of stream, and temporarily impact 334 feet of stream. The project is located east of Canal Street, between Willow Avenue and Library Road. Latitude: 40.3642°, Longitude: -80.0264°. Application received: June 8, 2021. Issued: September 6, 2022.

E6305221-003. Washington County Redevelopment Authority, 100 West Beau Street, Suite 603, Washington, PA 15301, South Franklin Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Place and maintain fill within 0.018 acre of Wetland W-LRK-01 (PEM) to construct the taxiway and fill slope; 2. Place and maintain fill within 0.12 acre of Wetland W-LRK-02 (PEM) to construct the taxiway, apron space, and fill slope; 3. Place and maintain fill within 0.051 acre of Wetland W-LRK-03 (PEM) to construct the taxiway and apron space; 4. Place and maintain fill within 0.081 acre of Wetland W-LRK-06 (PEM) to construct the access road and fill slope; 5. Place and maintain permanent fill within 204 LF of watercourse S-TRS-01 an Unnamed Tributary (UNT) to Chartiers Creek (WWF) to construct the road and fill slope; Temporarily impact 30 linear feet of watercourse S-TRS-01 to provide construction access and workspace; For the purpose of improving user services, infrastructure, and safety at the Washington County Airport. Mitigation for wetland impacts will be provided through the purchase of 0.27 ac PEM wetland credits from the Robinson Fork Phase 2 Mitigation Bank. Mitigation for stream impacts will be provided through the purchase of 204 linear feet of stream credits from the Robinson Fork Phase 2 Mitigation Bank. Latitude: 40.134167°, Longitude: -80.290833°. Application received: February 5, 2021. Issued: September 6, 2022.

ENVIRONMENTAL ASSESSMENTS

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

Contact: RA-EPEASTERNNOGPRG@pa.gov.

EA0829222-006. Appalachia Midstream Services, 30351 Route 6, Wysox, PA 18854, Orwell Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District.

The construction of the existing compressor station resulted in 2,599 square feet (0.06 acre) of impacts to a

Palustrine Emergent Wetland. The project proposes 2,599 square feet (0.06 acre) of restoration activities such as soil decompaction and the replanting of native hydrophytic vegetation within the impacted wetland. The project will result in 7,870 square feet (0.18 acre) of temporary Palustrine Emergent Wetland impacts and 285 square feet of floodway impacts (Windham, PA Quadrangle, Latitude: 41.880212°, Longitude: -76.285280°). Application received: July 5, 2022. Issued: September 1, 2022.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

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

Contact: RA-EPEASTERNNOGPRG@pa.gov.

ESCGP # 3 ESG295922011-00

Applicant Name **NFG Midstream Covington, LLC**

Contact Person Matt Hovis

Address 1100 State Street

City, State, Zip Erie, PA 16501

Township(s) Bloss Township and Covington Township

County **Tioga County**

Receiving Stream(s) and Classification(s) UNT to Tioga

River (CWF, MF), UNT to Marvin Creek (CWF, MF)

Application received: July 5, 2022

Issued: August 30, 2022

ESCGP # 3 ESG290822022-00

Applicant Name **Chesapeake Appalachia, LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Wilmot Township

County **Bradford County**

Receiving Stream(s) and Classification(s) Susquehanna

River (WWF, MF)

Application received: June 21, 2022

Issued: September 1, 2022

ESCGP # 3 ESG295822020-00

Applicant Name **Williams Field Services Co, LLC**
 Contact Person Barry Mahar
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 Township(s) Bridgewater Township
 County **Susquehanna County**
 Receiving Stream(s) and Classification(s) South Branch
 Wyalusing Creek (CWF, MF), Unnamed Tributary to
 West Branch Meshoppen Creek (CWF, MF)
 Application received: August 10, 2022
 Issued: September 2, 2022

ESCGP # 3 ESG296622005-00

Applicant Name **Chesapeake Appalachia, LLC**
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 Township(s) Meshoppen Township
 County **Wyoming County**
 Receiving Stream(s) and Classification(s) Little Meshop-
 pen Creek (CWF, MF)
 Application received: June 23, 2022
 Issued: September 2, 2022

ESCGP # 3 ESG290822033-00

Applicant Name **Chesapeake Appalachia, LLC**
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 Township(s) Monroe Township and Albany Township
 County **Bradford County**
 Receiving Stream(s) and Classification(s) UNT Satterlee
 Run (HQ-CWF, MF), Satterlee Run (HQ-CWF, MF),
 South Branch Towanda Creek (CWF, MF), UNT 1
 South Branch Towanda Creek (CWF, MF), UNT 2
 South Branch Towanda Creek (CWF, MF)
 Application received: July 22, 2022
 Issued: September 6, 2022

**CORRECTIVE ACTION UNDER
 ACT 32, 1989
 PREAMBLE 2**

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

DEP has received the following plans and reports.

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

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

Kwik Fill M0168, Storage Tank Facility ID # **59-23825**, 23 Main Street, Lawrenceville, PA 16929, Lawrenceville Borough, **Tioga County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066 on behalf of United Refining Company of PA, 814 Lexington Avenue, P.O. Box 688, Warren, PA 16365, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

7-Eleven 21110, Storage Tank Facility ID # **39-24558**, 1146 Chestnut Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221-0711 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide health standards.

Speedway # 6756, Storage Tank Facility ID # **54-14427**, 6 Tremont Road, Pine Grove, PA 17963, Pine Grove Township, **Schuylkill County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221-0711 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Exxon Mini Mart, Storage Tank Facility ID # **45-32649**, 2909 Route 611, Tannersville, PA 18372, Pocono Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Shri Yog, Inc., 2902 Route 611, Tannersville, PA 18372 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Capital Trailways, Storage Tank Facility ID # **54-22101**, 2650 Woodglen Road, Pottsville, PA 17901, City of Pottsville, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of JAM Woodglen LLC, P.O. Box 472, Schuylkill Haven, PA 17972 submitted a Remedial Action Completion Report concerning remediation of soil and

groundwater contaminated with diesel. The report is intended to document the remedial actions for meeting residential Statewide health standards.

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

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Country Fair Store 65, Storage Tank Facility ID # **25-91609**, 8080 Peach Street, Erie, PA 16509, Summit 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 16501 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

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

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

Tyrone Convenience Store, Storage Tank Facility ID # **07-15475**, 1960 Adams Avenue, Tyrone, PA 16686, Tyrone Borough, **Blair County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648 on behalf of Mr. Hiteshkumar Patel, 1960 Adams Avenue, Tyrone, PA 16686 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Petroleum Constituents. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

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

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

Sunoco # 0002-1725, Storage Tank Facility ID # **63-32309**, 1550 West Chestnut Street, Washington, PA 15301, City of Washington, **Washington County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry, PA 16066 on behalf of Sunoco Retail, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The combined plan and report is intended to document the remedial actions for meeting residential site-specific standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention

Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Convenient Food Mart, Storage Tank Facility ID # **40-08918**, 340 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602 on behalf of CDG 320 Inc., 304 North Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was not acceptable to meet the Statewide health and site-specific standards and was disapproved by DEP on August 31, 2022.

7 Eleven 23322, Storage Tank Facility ID # **39-24557**, 11 East Susquehanna Street, Allentown, PA 18103, City of Allentown, **Lehigh County**. AECOM, 625 West Ridge Pike, Suite E-100, Consohocken, PA 19428 on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221-0711 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was acceptable to meet the site-specific standards and was approved by DEP on September 1, 2022.

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

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Kwik Fill S 92, Storage Tank Facility ID # **32-23790**, 231 Oakland Avenue, Indiana, PA 15701-3392, Indiana Borough, **Indiana County**. Kleinfelder, Inc., 51 Dutilh Road, Suite 240, Cranberry Township, PA 16066 on behalf of United Refining Company, 15 Bradley Street, Warren, PA 16365 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report nonresidential did not demonstrate attainment of the Statewide health and site-specific standards and was disapproved by DEP on September 2, 2022.

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

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

Chevron # 205103, Storage Tank Facility ID # **56-84175**, 1219 Center Avenue, Somerset, PA 15501, Somerset Township, **Somerset County**. Arcadis U.S., Inc., 6041 Wallace Road Ext., Suite 300, Wexford, PA 15090 on behalf of Chevron Environmental Management Company, 1400 Smith Street, Houston, TX 77002 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with

benzene, 1,2,4-TMB, COCs, and EDB. The report nonresidential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on September 6, 2022.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Notice of Certification To Perform Radon-Related Activities In Pennsylvania.

Central Office: Radiation Protection Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Michelle Foster 717-787-2480.

In the month of August 2022, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Shavaun Cotter	611 Industrial Way W Ste A Eatontown, NJ 07724	Mitigation Individual
Partner Assessment Corporation	611 Industrial Way W Ste A Eatontown, NJ 07724	Mitigation Firm
Jeffrey Kaplan	6951 Allentown Blvd Ste N Harrisburg, PA 17112	Laboratory Individual
Justin Weber	10 Chelsey Dr Mountain Top, PA 18707	Testing Individual
Richard Garzony	815 Montour St Coraopolis, PA 15108	Testing Individual
J.L. Camp Inspection Services, Inc.	6006 Forest Dr Monaca, PA 15061	Testing Firm
Sean McNamara	173 Green St Emmaus, PA 18049	Testing Individual
CDA Inspection Services	173 Green St Emmaus, PA 18049	Testing Firm
Michael Foglia	2427 Anneto Dr Pottstown, PA 19464	Testing Individual
David Konow	1050 Street Rd # 1640 Southampton, PA 18966	Testing Individual
Kevin Kenny	47 Cook Rd Duncannon, PA 17020	Testing Individual
Bryce Hoenig	121 Cottonwood Dr Aliquippa, PA 15001	Mitigation Individual

<i>Name</i>	<i>Address</i>	<i>Certification</i>
HomeTeam Inspection Service	1216 Edgewood Dr West Homestead, PA 15120	Testing Firm
Brian Allen	239 Buckboard Rd Willow Grove, PA 19090	Testing Individual
Clarence Sisco	P.O. Box 954 Blue Bell, PA 19422	Testing Individual
Tony Domingues	6801 W Tilghman St Unit 115 Allentown, PA 18106	Mitigation Individual
Integra Environmental	6801 W Tilghman St Unit 115 Allentown, PA 18106	Mitigation Firm

Covered Device Prohibited from Sale under Sections 302 and 507 of the Covered Device Recycling Act, Act 108 of 2010.

Central Office: Waste Management, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Teesha Truesdale 717-787-7382.

The Department of Environmental Protection (Department) hereby announces that certain manufacturers of covered devices are not included on the Department's list of registered manufacturers, maintained by the Department under sections 302 and 507 of the Covered Device Recycling Act (CDRA). Accordingly, under Section 302 of the CDRA, no retailer may offer these manufacturers' products for sale within the Commonwealth.

Manufacturers of new covered devices—such as televisions, laptop and desktop computers, tablets, etc.—offered for sale in Pennsylvania are required to register with the Department prior to commencing sales per Section 304 of the CDRA. Manufacturers must also pay an annual registration fee and submit a recycling plan and annual report. Section 302 of the CDRA prohibits the sale of covered devices in the Commonwealth by unregistered manufacturers.

The Department is required to maintain a list of registered manufacturers per Section 302(b) of the CDRA. The list can be accessed by visiting dep.pa.gov.

The following manufacturers are not included on the Department's list and are therefore considered out of compliance:

Linsay Digital
Azulle Tech
Gigabyte Technology
Evervue USA Inc.

Due to their non-compliant status and non-inclusion on the list of registered manufacturers, the Department is notifying the public, in cooperation with covered device retailers, that the CDRA prohibits the sale of devices manufactured by Linsay Digital, Azulle Tech, Gigabyte Technology, and Evervue USA within the Commonwealth, and that the sale of such devices would constitute unlawful conduct under the CDRA. Noncompliant manufacturers may once again be included on the Department's list of registered manufacturers, and their devices offered for sale in the Commonwealth, if the manufacturers return to compliance with all the applicable provisions of the CDRA.

Inquiries regarding this notification can be directed to Jordan Hoover, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at jorhoover@pa.gov or (717) 783-8973.

[Pa.B. Doc. No. 22-1433. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Agriculture Energy Efficiency Rebate Program; Notice of Availability

The Department of Environmental Protection (Department) announces the availability of rebates to Commonwealth agriculture producers for agriculture energy efficiency projects under Pennsylvania's Agriculture Energy Efficiency Rebate Program (Program). The Program provides rebates to assist agricultural producers with the purchase of light-emitting diode (LED) lighting systems, efficient ventilation equipment and efficient milk pump-

ing and cooling equipment for their farming operations. The Department will begin accepting applications on September 17, 2022.

To qualify for the rebate, the applicant must meet the definition of a normal farming operation under the act of June 10, 1982 (P.L. 454, No. 133), known as the Pennsylvania Right to Farm Act (3 P.S. §§ 951–958), and the application must be submitted to the Department prior to the installation of the project. Equipment purchase costs after July 1, 2022, are eligible and installation costs up to \$500 may be included in the project costs. The rebate will be offered on a first-come, first-served basis in the order in which applications are received, until no later than March 31, 2023. Following approval and receipt of a rebate voucher from the Department, approved applicants

should install eligible equipment and then submit a payment request form with required documentation to receive rebate moneys.

The following rebates are offered:

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

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

The Program guidelines and application instructions are available online through the Department's web site at www.dep.pa.gov (select the "Grants" icon and under "Businesses" select "Agriculture Energy Efficiency Rebate Program") or by contacting the Department at ra-epagenergyprogram@pa.gov or (570) 327-3783.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. Hardcopy applications will not be accepted. The Department will begin accepting applications on September 17, 2022. Applications must be received by 11:59 p.m. Friday, March 31, 2023.

Questions concerning the rebate program can be directed to Michelle Ferguson at ra-epagenergyprogram@pa.gov or (570) 327-3783. Information is also available on the Department's Agriculture Energy Efficiency webpage at www.dep.pa.gov/agricultureenergy under "What's New."

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1434. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Fiscal-Year Report for the Reclamation Fee O & M Trust Account

The Department of Environmental Protection (Department) announces the availability of the draft Fiscal-Year Report (report) for the Reclamation Fee O & M Trust Account. This account was established to provide funds for the operation and maintenance of mine drainage treatment facilities at mine sites with post-mining discharges at Alternate Bonding System Legacy Sites as defined in 25 Pa. Code § 86.1 (relating to definitions). As required by the regulations in 25 Pa. Code § 86.17(e) (relating to permit and reclamation fees) this report contains a financial analysis of the revenue and expenditures from the account for Fiscal Year (FY) 2021-2022 and provides projections for the FY 2022-2023.

The draft report is available on the Department's web site at www.ahs.dep.pa.gov/eComment.

The Department will accept comments on the draft report through Monday, October 10, 2022. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Reclamation Fee Report" as the subject line in written communication.

Questions regarding the draft report should be directed to Greg Greenfield, Department of Environmental Protection, Bureau of Mining Programs, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, PA 17105-8461, at grgreenfie@pa.gov or (717) 787-3174.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3174 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1435. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Cleanup Standards Scientific Advisory Board Meeting

The next meeting of the Cleanup Standards Scientific Advisory Board (Board) is scheduled for Thursday, October 20, 2022. The meeting will begin at 9:30 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Michael Maddigan at mmaddigan@pa.gov or (717) 772-3609.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields," then "Cleanup Standards Scientific Advisory Board," then "Agendas and Handouts").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 20, 2022, meeting can be directed to Michael Maddigan at mmaddigan@pa.gov or (717) 772-3609.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

tact the Department at (717) 783-1566 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1436. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of National Pollutant Discharge Elimination System General Permit for Discharges from the Application of Pesticides (PAG-15)

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) is, by this notice, extending for 12 months the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from the Application of Pesticides (PAG-15).

The existing PAG-15 General Permit in effect at this time will expire on October 28, 2022. Persons who are operating under the PAG-15 General Permit may continue to operate until October 28, 2023. The Department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-15 General Permit. During the period of administrative extension, no new coverage under the PAG-15 General Permit may be authorized by the Department.

To access the General Permit and related documents, visit the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-15—NPDES General Permit for Point Source Discharges to Waters of PA from Application of Pesticides 3800-PM-BCW0345").

Questions regarding the PAG-15 General Permit can be directed to Maria Schumack, PE, at maschumack@pa.gov or (717) 705-0486.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1437. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency under the Coastal Zone Management Act; Maintenance Dredging of the North East Marina

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation in consistency determinations. The Department of Environmental Protection's (Department) Coastal Resources

Management Program has received notice that the Fish and Boat Commission (applicant) is proposing to conduct maintenance dredging at North East Marina in North East Township, Erie County (Project).

The applicant is proposing to utilize a hydraulic dredging machine to remove native built up material from the mooring basin of North East Marina. The dredged material is proposed to be pumped by means of piping to a previously approved area along the Eastern Beach below the plane of ordinary high water to allow the material to enter back into the littoral system. The mooring basin is proposed to be dredged to provide safe passageway to boaters. The mooring basin is not proposed to be expanded laterally in any direction.

The applicant proposes to utilize a long-reach excavator to remove littoral drift material accreted west of the western bin wall. Once the material is removed, it is proposed to be loaded into a dump truck and transported to a previously approved area along the Eastern Beach below the plane of ordinary high water. The material will be dumped and pushed/spread out to allow it to enter back into the littoral system. The western area will not be widened beyond existing conditions. The applicant is proposing to follow Fish and Boat Commission standardized biosecurity protocols to prevent the spread of invasive species while conducting this activity. The applicant is applying to the United States Army Corps of Engineers for a Federal permit under section 10 of the Rivers and Harbors Act (33 U.S.C.A. § 403) to authorize the Project.

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, October 3, 2022, before issuing a final Federal consistency concurrence or objection. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments, including comments submitted by e-mail, must include the commentator's name and address. Comments submitted by facsimile will not be accepted.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1438. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Household Hazardous Waste Education Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant awards to Mercer County and Venango County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at mvottero@pa.gov or (717) 772-5719.

Act 101, Section 901 HHW Education Grant

Region	County	Applicant	Project	Grant
Northwest	Mercer	Mercer County	HHW Education	\$10,803
Northwest	Venango	Venango County	HHW Education	\$6,304

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1439. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Low-Level Radioactive Waste Advisory Committee Meeting

The Low-Level Radioactive Waste Advisory Committee (Committee) will meet on Friday, September 30, 2022. The meeting will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Wade DeHaas at wdehaas@pa.gov or (717) 787-2480.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Radiation," then "Low-Level Waste Advisory Committee," then "Meetings and Bylaws").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the September 30, 2022, meeting can be directed to Wade DeHaas at wdehaas@pa.gov or (717) 787-2480.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-2480 or through the

Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1440. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Radiation Protection Advisory Committee Meeting Rescheduled

The Radiation Protection Advisory Committee (Committee) meeting scheduled for Thursday, October 6, 2022, has been rescheduled to Friday, December 9, 2022. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting John Chippo at jchippo@pa.gov or (717) 783-9730.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov

(select "Public Participation," then "Advisory Committees," then "Radiation," then "Radiation Protection Advisory Committee," then "Meetings and Bylaws").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 9, 2022, meeting can be directed to John Chipppo at jchippo@pa.gov or (717) 783-9730.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720, or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1441. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Board for Certification of Sewage Enforcement Officers; Meeting Location Changes

The State Board for Certification of Sewage Enforcement Officers (Board) meetings scheduled for Wednesday, October 12, 2022, and Wednesday, November 30, 2022, will be held in the 10th Floor Conference Room (previously published as the 12th Floor), Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings will begin at 10 a.m. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting the Board at ra-seotrng@pa.gov or (717) 772-2186.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water," then "State Board for Certification of Sewage Enforcement Officers").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 12, 2022, meeting can be directed to the Board at ra-seotrng@pa.gov or (717) 772-2186.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-2186 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1442. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Kingston Rehabilitation and Nursing Center
200 Second Avenue
Kingston, PA 18704
FAC ID # 900102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j):

Promedica Skilled Nursing and Rehabilitation
(Montgomeryville)
640 Bethlehem Pike
Montgomeryville, PA 18936
FAC ID # 382402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Transitions Healthcare Autumn Grove Care Center
555 South Main Street
Harrisville, PA 16038
FAC ID # 022102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1443. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC Advisory

The WIC Advisory will meet on September 21, 2022, from 12 p.m. to 1 p.m. The purpose of this meeting is to

discuss the formation of the Nomination and Bylaws Committees; the roles and responsibilities of the WIC Advisory, Chair, Co-Chair and Secretary; and other items as identified in a forthcoming meeting agenda. The Department of Health (Department) will send out the meeting agenda on or before September 21, 2022, by e-mail. Individuals interested in receiving a copy of the agenda may send an e-mail to ra-dhwicadvisory@pa.gov requesting to be added to the distribution list.

Individuals can join at https://teams.microsoft.com/join/meetup-join/19%3ameeting_MTZhNjhjZTctY2M5ZS00MzdKLTlhYmItNmUxNmU2OWViOWU4%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%220cfa0410-062c-44ce-8c0c-5e4c0a12ecd9%22%7d.

Individuals can also join by calling (267) 332-8737. The conference ID number is 268 600 915#.

The meeting will be recorded so if individuals choose to attend, they are consenting to being recorded. Individuals should not attend the meeting if they do not wish to be recorded.

Questions about the WIC Advisory may be submitted by e-mail to the Department at ra-dhwicadvisory@pa.gov.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille) should contact the Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Pennsylvania WIC program is funded by the United States Department of Agriculture (USDA). The USDA is an equal opportunity provider.

USDA Nondiscrimination Statement:

In accordance with Federal civil rights law and the USDA civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (for example, Braille, large print, audiotope, American Sign Language), should contact the responsible State or local agency that administers the program or the USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact the USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992 or by writing a letter addressed to the USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to the USDA by mail to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW,

Washington, DC 20250-9410, fax (833) 256-1665, (202) 690-7442, Program.Intake@usda.gov.

This institution is an equal opportunity provider.

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1444. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Spinal Cord Research Advisory Committee Meeting Schedule for Calendar Year 2022; Revised

The Department of Health's Spinal Cord Research Advisory Committee (Committee), established by section 903.1(b) of the Tobacco Settlement Act (35 P.S. § 5701.903A(b)), will hold a virtual public meeting on Wednesday, October 19, 2022, from 9:30 a.m. to 11 a.m. and the public may join the meeting using Microsoft Teams. The dial in number is (267) 332-8737. The conference ID number is 806 880 266#.

The purpose of this meeting is to review the work of the Committee, review the status and progress of the current request for applications, reaffirm priorities, evaluate and refine the process to review the next spinal cord research applications and address emerging issues.

For additional information for persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation, contact Will Cramer, Director, Health Research Office or Pamela Brown, Management Technician, Health Research Office at (717) 231-2825, ra-healthresearch@pa.gov. For speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Check the Department of Health, Health Research Office CURE Spinal Cord Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Spinal-Cord.aspx> for any changes to this public meeting.

This meeting is subject to cancellation without notice.

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1445. Filed for public inspection September 16, 2022, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Canton Borough, Bradford County, along the southern side of Lower Mountain Road, approximately 397' west of

Route 14. The parcel contains 3.512 acres of unimproved land. The estimated fair market value is \$6,900.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Jeffrey M. Wenner, PE, District R/W Administrator, Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-1446. Filed for public inspection September 16, 2022, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

Draft National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Pollution Reduction Plans

The Department of Transportation (Department) will receive public comments on four proposed Pollution Reduction Plans (PRP) required for its 2021–2026 National Pollutant Discharge Elimination System individual permit to discharge stormwater from small municipal separate storm sewer systems (MS4) permit No. PAI139601.

The Department MS4 has developed PRPs for the Chesapeake Bay, Delaware River, Ohio River and Lake Erie Watersheds. The PRPs determine existing sediment pollutant loadings associated with stormwater runoff and propose potential best management practices to reduce the pollutant loads to meet the requirements of the MS4 Permit for each watershed.

The proposed PRPs can be viewed online by visiting www.penndot.pa.gov/Doing-Business/LocalGovernment/StormWaterManagement/, select “Municipal Separate Storm Sewer System (MS4)” and then select “Pollution Reduction Plan.” Alternatively, interested persons can request to receive the draft PRPs by contacting Richard Heineman at rheineman@pa.gov or (717) 787-0459.

Written comments on the PRPs will be accepted for a period of 30 days from the date of this public notice by mail to Richard Heineman, Department of Transportation, 400 North Street, 6th Floor, Harrisburg, PA 17105 or at rheineman@pa.gov. Comments will be tabulated and considered with the final PRPs.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-1447. Filed for public inspection September 16, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or

redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission’s guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Board of Commissioners.

At the next Commission meeting on October 24 and 25, 2022, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.4c. All-tackle trout slot limit

The Commission will consider adding the following water to its list of “all-tackle trout slot limit” waters regulated and managed under 58 Pa. Code § 65.4c (relating to all-tackle trout slot limit):

County	Water
Centre and Mifflin	Penns Creek, Section 03

58 Pa. Code § 65.4d. Artificial lures only trout slot limit

The Commission will consider adding the following waters to its list of “artificial lures only trout slot limit” waters regulated and managed under 58 Pa. Code § 65.4d (relating to artificial lures only trout slot limit):

County	Water
York	Codorus Creek, Section 04
Northampton	Monocacy Creek, Section 07
Northampton	Saucon Creek, Section 05

58 Pa. Code § 65.7. Trophy trout artificial lures only

The Commission will consider removing the following waters from its list of “trophy trout artificial lures only” waters regulated and managed under 58 Pa. Code § 65.7 (relating to trophy trout artificial lures only):

County	Water
York	Codorus Creek, Section 04
Northampton	Monocacy Creek, Section 07
Northampton	Saucon Creek, Section 05

At this time, the Commission is soliciting public input concerning the previously listed designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1448. Filed for public inspection September 16, 2022, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
14-548	Department of Human Services Psychiatric Rehabilitation Services 52 Pa.B. 3828 (July 9, 2022)	8/8/22	9/7/22

Department of Human Services Regulation # 14-548 (IRRC # 3347)

Psychiatric Rehabilitation Services

September 7, 2022

We submit for your consideration the following comments on the proposed rulemaking published in the July 9, 2022 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Human Services (Department) to respond to all comments received from us or any other source.

1. Implementation procedures; Clarity.

The Department states this proposed regulation “will benefit all individuals who receive [psychiatric rehabilitation services (PRS)] by clarifying that PRS can be provided in the home and by removing barriers to the provision of PRS through telehealth.” While the Department states that it removes barriers to telehealth, the regulations do not directly state how the provision of PRS will be implemented through this delivery method. To this end, commentators have numerous concerns, questions and recommendations relating to telehealth, including the following:

- The use of the term “telehealth” is vague as used in the Preamble and is not used in the Annex. How will it be added to the regulations?
- The term “telehealth” should be defined and include services delivered by telephone, even if there is a limitation in the regulation on the amount of telephone services allowed.
- References to telehealth should be added to individual and group service provisions to clarify how it relates to these regulations.
- PRS agencies delivering services through telehealth must have policies that ensure that this method is utilized only when it is clinically appropriate to do so and that licensed practitioners are complying with standards of practice set by their licensing board.

We ask the Department to explain how PRS agencies will implement access to services through telehealth. In addition, the Department should consider clarifying the regulations by defining the term “telehealth” and establishing standards for delivery of services through this method.

2. Section 5230.3. Definitions.—Clarity and lack of ambiguity; Protection of the public health, safety and welfare; Implementation procedures.

Functional impairment

This term is defined as “[d]ifficulties that interfere with or limit skill development or functioning in a domain.” The Department explains in the Preamble that the definition is amended to be more specific for use by a licensed practitioner of the healing arts (LPHA) when determining admission requirements for PRS. We have two concerns. First, this definition is vague. Second, as explained by a commentator, an LPHA may be unfamiliar with assessing functioning and performance in life domains as needed to complete a recommendation. The commentator suggests adding details that may be referenced in a recommendation. We ask the Department to revise this definition to improve clarity and implementation of the regulations.

Wellness

This term is defined as a “domain that helps an individual to develop skills needed to improve or maintain physical and mental health.” This definition is vague. In the Preamble, the Department explains the addition of wellness as a domain will allow an individual to manage “physical and mental health needs to promote or support . . . recovery and resiliency.” Commentators support the addition of this domain but assert this definition does not reflect that wellness “is a holistic integration of activities and lifestyle intended to enhance all the life domains listed in the regulation.” Commentators also state their programs utilize the Federal Substance Abuse and Mental Health Services Administration’s wellness initiative supporting eight dimensions: physical, intellectual, emotional, social, spiritual, vocational, financial and environmental. We recommend that the definition be revised to improve clarity and protect the public health, safety and welfare.

3. Section 5230.4. Psychiatric rehabilitation processes and practices.—Reasonableness; Need; Implementation procedures; Clarity.

Subsection (f) expands the locations where a PRS agency may deliver service to include an individual’s home. Commentators have numerous concerns, questions and recommendations, including the following:

- The expansion of location of services is unnecessary, redundant and potentially burdensome for the Depart-

ment and PRS providers. Adding home as a location will require PRS providers to resubmit service descriptions to the Department for approval and updated licenses would need to be issued.

- The home has always been considered a community location as opposed to a facility location.

- It may be useful to define “community” in Section 5230.3 (relating to definitions) as services delivered anywhere other than the licensed facility, including services delivered in the home either in-person or by telehealth.

We ask the Department to explain why it is necessary to add home as a service location. The Department should also explain the reasonableness of this addition given the regulated community’s concerns regarding implementation procedures. To improve clarity, the Department should consider adding a definition of the term “community” to include the home or explain why it is unnecessary to do so.

This comment also applies to Sections 5230.15(a)(6), 5230.52(e)(2), 5230.53 and 5230.54(a).

4. Section 5230.15. Agency service description.— Implementation procedures; Clarity.

Subsection (a)(3)(ii) requires a PRS agency to submit to the Department a service description of the population served specifying the “[a]ge range and age groupings, including information on how different age groups will be separated while services are provided through the scheduling of services, providing services in different locations in the PRS facility’s physical space and other procedures.” We have two issues. First, a commentator asks for clarification on how different age groups are expected to be separated. Second, a PRS agency is required to describe “other procedures” in the document. We ask the Department to explain the implementation procedures for separation of age groups and the other procedures a PRS agency is expected to describe. Further, the Department should consider revising this subparagraph to improve clarity.

5. Section 5230.21. Content of individual record.— Statutory authority; Consistency with statute; Protection of the public health, safety and welfare; Implementation procedures; Clarity.

Paragraph (4) requires a PRS agency develop and maintain a record for an individual, including a signed set of documents providing:

(i) Documentation of an individual’s consent to receive PRS *or*, if the individual is 14 years of age or older but under 18 years of age, documentation of an individual’s consent to receive PRS *or* documentation of consent by the individual’s parent or legal guardian for the individual to receive PRS.

(ii) Documentation of an individual’s consent to release information to other providers and natural supports, including family members, *or*, if the individual is 14 years of age or older but under 18 years of age, documentation of the individual’s consent to release information to other providers and natural supports, including family members, *or*, if the parent or legal guardian has provided the consent to receive PRS, documentation of consent by the individual’s parent or legal guardian to release information to other providers and natural supports, including family members.

(Emphasis added.)

Representative Kathy Rapp supports the initiative to expand services but expresses concerns about parental rights to determine what is in the best interest of a child. She asks the “Department to clarify whether there are specific statutory provisions, whether state or federal, that provides the Department with authority to promulgate regulations regarding minors receiving PRS without needing parental consent.” The letter also asks for clarification of paragraph (4)(i). Who does the Department intend to authorize to provide consent given the use of the conjunctive “or”? Specifically, does the Department mean to authorize PRS to individuals at least 14 years of age without requiring parental consent? She expresses concern “about the scenario that may develop when a minor and a parent disagree as to the proposed route of treatment. If the minor consents to treatment, but the parent does not, or the minor does not want PRS, but the parent provides consent to having his or her child receive PRS, how will that disagreement be resolved?” Relating to this concern, how will admission requirements under Section 5230.31 (relating to admission requirements) be handled if a parent disagrees with having a minor child admitted when there is a written recommendation from an LPHA? Regarding paragraph (4)(ii), Representative Rapp asks when “the minor child has consented to receive PRS, are there provisions or situations in which a parent may access their minor child’s records without the minor child’s consent, or may the parent only receive this access if the parent provided the initial consent for the minor child to receive PRS?”

Commentators from the regulated community oppose a parent or legal guardian providing consent for an individual 14 years of age or older but under 18 years of age to receive PRS, explaining that a person other than the individual being treated agreeing to access PRS is in opposition to the voluntary nature of psychiatric rehabilitation.

A commentator asks how paragraph (4)(i) and (ii) conforms with the act of July 23, 2020 (P.L. 647, No. 65) (Act 65), which enables certain minors to consent to medical, dental and health services, as well as providing for mental health treatment and release of medical records.

We ask the Department to state the statutory authority for the consent provisions in paragraph (4)(i) and (ii) and address consistency with other statutes addressing consent for mental health services, including Act 65. The Department should explain how the authorization provisions will be implemented for individuals 14 years of age or older but under 18 years of age, as well as parents and legal guardians, and explain how these provisions protect the public health, safety and welfare. Finally, the Department should consider revising these subparagraphs to improve the clarity of the consent provisions so that they are more easily understood by the regulated community.

6. Section 5230.31. Admission requirements.— Protection of the public health, safety and welfare; Implementation procedures; Need; Feasibility; Clarity.

Subsection (a)(2)

Subsection (a) requires an LPHA to write a recommendation for an individual to be eligible for PRS. The documentation must include one of the diagnoses in paragraph (2)(i)—(ix). Commentators address the following two issues.

First, commentators ask the Department to consider adding autism spectrum disorder to the list of diagnoses

in subsection (a)(2) that do not require review through the exception process in subsection (c), as PRS has been shown to benefit autistic individuals. A commentator states that people with autism “do not have barrier-free nor open access to PRS.” This commentator also feels that these individuals “deserve parity in services in order to develop skills needed to live, learn, socialize, and work in equal measure to peers” with the listed diagnoses.

Second, a commentator explains that subsection (a)(2)(i)—(ix) lists both entire diagnostic groups and certain specified diagnoses within a group. This commentator suggests clarifying these diagnoses by using select groupings in the Diagnostic and Statistical Manual of Mental Disorders (DSM), including “Depressive Disorders” and “Trauma and Stressor-Related Disorders,” to broaden categories and eliminate the need for additional exceptions.

We ask the Department to consider revising paragraph (2) to include autism spectrum disorder and clarifying the list of diagnoses to protect the public health, safety and welfare.

Subsection (a)(4)

Current subsection (a)(4) requires an individual to choose to receive PRS to be eligible for this service. This paragraph is proposed to be deleted. We have two concerns. First, the Department did not explain the rationale for deleting this requirement. Second, commentators oppose this deletion, explaining that PRS is a voluntary service and individuals have a right to decide whether and how to participate in PRS. We ask the Department to explain the rationale for deleting this requirement and how the regulation continues to protect the public health, safety and welfare without this safeguard.

Subsection (c)

Subsection (c) sets forth the exception process for an individual who does not have a diagnosis in subsection (a)(2). Under paragraph (3), an LPHA is required to document “the anticipated benefit that PRS will provide for the individual.” Commentators oppose this requirement given that an LPHA may not have experience using interventions. Further, commentators express concern that an LPHA identifying the anticipated benefit of PRS has the potential to take away from the individual’s ability to set rehabilitation goals with the PRS provider. We ask the Department to explain the need for this documentation, the feasibility and reasonableness of requiring an LPHA to complete this assessment, and how this step of the exception process will protect the public health, safety and welfare.

Subsection (d)

Subsection (d) requires a PRS agency, upon an individual’s admission, to complete an initial functional impairment screening to confirm moderate to severe functional impairment in at least one domain identified in the LPHA’s written recommendation. Commentators oppose this subsection, noting the term “screening” means a process that searches for existence of impairment when there are no clear symptoms. They further draw attention to Section 5230.61 (relating to assessment), which requires an assessment at the start of service as a collaborative process with PRS staff and the individual, along with supports, to identify services and resources that may be needed to assist an individual. Commentators suggest this process does not need to be duplicated as part of the admission process.

We ask the Department to explain why the screening is needed given the implementation procedures in Section

5230.61. Should the Department determine this step of the admission process is necessary, we ask it to clarify this provision by revising “screening” to “assessment” or explain why it is not necessary to do so.

7. Section 5230.32. Continued stay requirements.—Protection of the public health, safety and welfare.

“Skill deficit,” as assessed while determining eligibility for continued stay, is proposed to be deleted from subsection (b)(2)(i). We have two concerns. First, the Department did not explain why this assessment is proposed to be deleted. Second, commentators oppose this deletion, explaining “this is specific to if the goal was accomplished” and it “better describes the need for an individual’s continued stay.” We ask the Department to explain why “skill deficit” is deleted and how the regulation continues to protect the public health, safety and welfare without this assessment.

8. Section 5230.51. Staff qualifications.—Implementation procedures; Protection of the public health, safety and welfare; Clarity.

This section sets forth staff qualifications for PRS agencies that serve individuals over 18 years of age in subsections (a) and (b) and PRS agencies that serve individuals 14 years of age or older but under 18 years of age in subsections (e) and (f).

Commentators ask for clarification of how subsections (a), (b), (e) and (f) will be implemented by a PRS agency who serves both individuals over 18 years of age and individuals 14 years of age or older but under 18 years of age. Will a staff member be required to maintain dual certification as a Child and Family Resiliency Practitioner (CFRP) and a Certified Psychiatric Rehabilitation Practitioner? In addition, a commentator asks why qualifications for psychiatric rehabilitation workers and psychiatric rehabilitation assistants in subsections (c) and (d), respectively, are not updated to include staff members who work with individuals 14 years of age or older but under 18 years of age.

We ask the Department to explain implementation procedures for a PRS agency who serves both populations. The Department should consider revising this section to improve clarity for the regulated community. Further, the Department should explain why the staff requirements in subsections (c) and (d) are not amended and how this protects the public health, safety and welfare.

9. Section 5230.52. General staffing requirements.—Implementation procedures; Clarity.

Subsection (h)

Subsection (h) requires a minimum of 25% of a PRS agency’s staff, based on the number of full-time equivalent positions, to meet the qualifications of a psychiatric rehabilitation specialist in Section 5230.51(b) or (f) (relating to staff qualifications). (Emphasis added.) Section 5230.51(b) applies to psychiatric rehabilitation specialists who work with individuals over 18 years of age. Section 5230.51(f) applies to psychiatric rehabilitation specialists who work with individuals 14 years of age or older but under 18 years of age. How will a PRS agency that serves both populations implement this staffing requirement? We ask the Department to explain the implementation procedures and consider clarifying this subsection as needed.

Subsections (h)—(i.1)

Subsections (h)—(i.1) require a minimum of 25% of the staff based on the number of full-time equivalent posi-

tions to meet qualification and certification standards. A commentator asks if this requirement applies to all available positions (including any current program vacancies) versus all currently-staffed positions. We ask the Department to explain how a PRS agency should implement these subsections and further ask the Department to clarify these requirements to establish a clear standard for the regulated community.

10. Section 5230.54. Group services.—Implementation procedures; Protection of the public health, safety and welfare; Clarity.

Subsection (a)

Subsection (a)(3) specifies that when an individual receives group service in the home, other individuals must be in another location. We have two issues.

First, the Department states in the Preamble that this paragraph limits “group services in the home to services provided only through telehealth.” As addressed in Comment # 1, this paragraph does not directly include the provision of service through telehealth. The Department should explain how group services will be implemented through telehealth and consider clarifying this paragraph accordingly.

Second, commentators oppose the requirement for individuals to be in separate locations to receive group services, noting this does not meet psychiatric rehabilitation goals, values and principles, and fails to adequately accommodate individuals who live in the same residence. The Department should address these concerns and consider revising this paragraph to protect the public health, safety and welfare.

Subsection (f.1)

Subsection (f.1) limits group services delivered in the community to only individuals who receive services from a PRS agency. The Department explains in the Preamble that this protects confidentiality. Commentators express concern with this requirement, stating it excludes participation from natural supports and peers working on the same goals. We ask the Department to consider clarifying this subsection to address the stated intent of protecting confidentiality. The Department should also consider allowing participation by natural supports and peers working on the same goals to protect the public health, safety and welfare.

11. Section 5230.56. Staff training requirements.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.

Paragraph (2) requires staff at a PRS agency to complete 18 hours of training annually, with separate requirements for an agency serving individuals over 18 years of age in subparagraph (i) and individuals 14 years of age or older but under 18 years of age in subparagraph (ii). There are two concerns with this paragraph. First, a commentator states there should be more consistency with the training requirement, with all staff members, regardless of the population served, receiving training in resiliency and recovery practices. Second, commentators express confusion regarding how the training hours are to be allocated among the required topics. We ask the Department to explain how the required topics for each population protect the public health, safety and welfare, and how a PRS agency will be expected to implement these requirements. The Department should consider clarifying this paragraph to establish standards that are understood by the regulated community and protect the public health, safety and welfare.

12. Section 5230.57. Criminal history checks and child abuse certification.—Protection of the public health, safety and welfare.

Subsection (d) requires a PRS agency that serves individuals 14 years of age or older but under 18 years of age to develop and implement written policies and procedures regarding personnel decisions in accordance with 23 Pa.C.S. §§ 6301—6388 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services). Why are criminal history background checks not included in this subsection? We ask the Department to include these checks to protect the public health, safety and welfare or explain why it is not necessary to do so.

13. Section 5230.61. Assessment.—Protection of the public health, safety and welfare; Implementation procedures; Need; Reasonableness; Clarity.

Subsection (b)

Under subsection (b), a PRS agency is required to complete an assessment collaboratively and as directed by an individual, with formal and natural supports, including family members. The assessment identifies services and resources needed to assist the individual. Commentators express concern with the addition of supports and family members, which they state may delay and interfere with the assessment process, demean the individual and violate confidentiality. The Department should explain how the requirement to include supports and family members will be implemented as to not delay the process to develop an individual rehabilitation plan (IRP). Further, the Department should explain how including additional persons in the assessment process protects the health, safety and welfare of individuals receiving PRS.

In addition, the Department explains in the Preamble that this subsection “allows for documentation that the assessment was reviewed with the individual to allow for the provision of PRS through telehealth.” This subsection does not address telehealth. As addressed in Comment # 1, we ask the Department to explain how a PRS agency will provide services through telehealth and revise this subsection accordingly.

Subsection (b)(3)

Current subsection (b)(3) includes health care facilities as an existing and needed support. These facilities are proposed to be deleted. Commentators oppose the deletion given the “importance that health care facilities have on an individual’s physical wellness.” We ask the Department to explain why this deletion is necessary and consider retaining this current requirement in the final-form regulation.

Subsection (b)(7)

Subsection (b)(7)(i.1) requires a PRS agency to update an IRP when the “individual’s diagnosis and identified needs change.” Commentators oppose the inclusion of diagnosis and have numerous concerns with this this subparagraph, including the following:

- An LPHA may change a diagnosis and not report it to the PRS agency.
- A diagnosis change may not have a direct impact on the functioning of the individual.
- It is unclear if an update is needed when a combination of the diagnosis and identified needs change or either the diagnosis or identified needs changes.
- A change in diagnosis is not relevant to the delivery of PRS as the focus is on changes in functioning.

Given these concerns, we ask the Department to explain the need for and reasonableness of the IRP update. Further, we ask the Department to revise the regulation to address implementation procedures and improve clarity to ensure the protection of the public health, safety and welfare.

14. Section 5230.62. Individual rehabilitation plan.—Implementation procedures; Protection of the public health, safety and welfare; Clarity.

Subsections (a)(7) and (d)(5) provide for an individual to sign an IRP or for documentation of the individual's consent and the date it was provided. The Preamble explains this allows for verbal consent when the individual is not able to sign the IRP in person. We have two concerns. First, what is acceptable documentation of consent? Second, commentators oppose the option for consent without a signature, noting concern that this may provide for individuals not being actively involved and present during the recovery planning process. The Department should explain how this provision will be implemented, including how consent is documented. We ask the Department to clarify these provisions by specifying verbal consent. In addition, the Department should address the concerns regarding active involvement and how this protects the public health, safety and welfare.

This comment also applies to Section 5230.61(b)(6).

15. Section 5230.63. Daily entry.—Implementation procedures; Protection of the public health, safety and welfare.

Paragraph (4) currently requires an individual to sign the daily record or documentation of the reason why it was not signed. The Department explains this provision is proposed to be deleted to “remove an unnecessary burden on staff and the individual.” Commentators oppose the deletion of this requirement, as a signature promotes active participation in PRS. However, they support an option for verbal consent. We ask the Department to consider retaining this provision and adding verbal consent to protect the public health, safety and welfare, or explain why it is not necessary to do so.

16. Economic or fiscal impacts.

The Department explains in the Preamble that PRS agencies who serve individuals 14 years of age or older

but under 18 years of age may have a “small initial increase in costs” to implement this rulemaking “because the director, psychiatric rehabilitation specialist and 25% of the full-time equivalent staff complement will need to obtain CFRP certification, and the PRS agencies will need to obtain child abuse certifications for staff.” As reported in RAF Question # 19, the costs for regulatory requirements per staff member are as follows: CFRP certification is estimated to be \$395 (registration and examination); Pennsylvania State Police child abuse clearance is \$13; and a Federal Bureau of Investigation criminal history background check is \$22.60. Commentators add there are additional costs relating to training, dual certification as required by Section 5230.51(e), and recertification.

However, the Department does not include an estimate of the fiscal impact on PRS agencies in Regulatory Analysis Form Question # 23. Accordingly, we ask the Department to include an estimate of the total costs to the entire regulated community in Regulatory Analysis Form Questions # 19 and # 23, including training, certification, recertification and clearance requirements.

17. Miscellaneous clarity.

- The Preamble states that definitions for “associate’s degree” and “bachelor’s degree” are added in Section 5230.3. These definitions are not included in Section 5230.3 but degree standards are stated in Section 5230.51(g). We ask the Department to revise the Preamble to the final-form regulation to reflect the regulation where degree standards are explained;

- The definitions of “DSM” and “ICD” should be clarified in Section 5230.3 by adding the publishers of these documents; and

- Section 5230.13 (relating to agency records) should be revised to require a PRS agency to maintain copies of criminal history background checks for staff members.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-1449. Filed for public inspection September 16, 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.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
6-352	State Board of Education Student Attendance and Students and Student Services	8/22/22	10/20/22

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4634	State Board of Dentistry Fees	7/7/22	9/15/22

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-553	Environmental Protection Agency Water Quality Standards for Manganese and Implementation	8/10/22	9/15/22
7-561	Environmental Protection Agency Additional RACT Requirements for Major Sources of NO _x and VOCs for the 2015 Ozone NAAQS	8/10/22	9/15/22
16A-4520	State Board of Cosmetology Fees	8/10/22	9/15/22
7-564	Environmental Protection Agency Municipal Waste Rural Transfer Facility Permit by Rule	8/10/22	9/15/22
16A-4111	State Architects Licensure Board Digital Signature and Seal	8/31/22	10/20/22
16A-4712	State Board of Professional Engineers, Land Surveyors, and Geologists Digital Signature and Seal	8/31/22	10/20/22
16A-6112	State Board of Landscape Architects Digital Signature and Seal	8/31/22	10/20/22

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-1450. Filed for public inspection September 16, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Nelson A. Berfield; License Denial Appeal; Doc. No. AG22-08-023

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Nelson A. Berfield has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for October 24, 2022, at 2 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before October 21, 2022. A hearing will occur on November 9, 2022, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before October 11, 2022. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before October 21, 2022.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1451. Filed for public inspection September 16, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Pennsylvania Compensation Rating Bureau; Rule Filing

On August 30, 2022, the Insurance Department (Department) received a rule filing from the Pennsylvania Compensation Rating Bureau (Bureau) affecting telecommuter employees effective April 1, 2023.

Bureau filing No. 334 proposes the creation of a new and separate classification for telecommuting clerical employees (Code 822, Telecommuting Clerical Employees) that work from home, away from any location of their employer, doing office clerical work. The new classification is proposed for all Commonwealth employers other than those classified to a classification that is designated "All Employees Including Office." If approved, clerical workers who interchange between telecommuting and performing clerical work at their employer's location will be classified to Code 822 when more than 50% of their time is spent telecommuting, and to Code 953, Office when 50% or less of their time is spent telecommuting.

The proposed loss cost for Code 822, Telecommuting Clerical Employees is the same as the lost cost for Code 953, Office.

Bureau filing No. 334 is available for review on the Bureau's web site at www.pcrb.com in the "Filings" section under "Featured Products."

Interested parties are invited to submit written comments, suggestions or objections to Dennis Sloand, Insurance Department, Office of Insurance Product Regulation, desloand@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1452. Filed for public inspection September 16, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Mary Kay Sidesinger; Erie Insurance Exchange; File No. 22-116-272377; Doc. No. P22-08-025; October 12, 2022, 9:30 a.m.

Following the hearing and receipt of the stenographic transcript, the Acting Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Acting Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Acting Insurance Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1453. Filed for public inspection September 16, 2022, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-22-040, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and AFSCME that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-041, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and SEIU-Local 668 that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-042, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and SEIU-Local 668, UC Referees Unit, that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-043, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and FOSCEP that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-044, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and OPEIU that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-045, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and PSTA that reschedules the October 2022 general pay increase to July 2023 and the annual service and longevity increment in Fiscal Year 2022-2023 to be effective no later than August 13, 2022.

Resolution No. CB-22-046, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and ALES that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-047, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and UGSOA that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-048, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and FOP-Lodge # 85 (Capitol Police) that reschedules the October 2022 general pay increase and the annual service and longevity increments in Fiscal Year 2022-2023 to August 2022.

Resolution No. CB-22-049, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and FOP-Lodge No. 114 (Game Commission) that reschedules the July 2023 general pay increase to April 2023 and the January 2023 longevity increment to August 2022.

Resolution No. CB-22-050, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and SEIU-HCPA that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-051, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and PDA that reschedules the October 2022 and January 2023 general pay increases to August 2022.

Resolution No. CB-22-052, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and CIVEA that reschedules the January 2023 general pay increase and service increment to August 2022.

Resolution No. CB-22-053, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and PSEA that reschedules the January 2023 general pay increase and service increment to August 2022.

Resolution No. CB-22-054, Dated August 17, 2022. Authorizes a side letter between the Commonwealth and PSCOA that reschedules the July 2023 general pay

increase to April 2023 and the annual service and longevity increment in Fiscal Year 2022-2023 to be effective no later than August 13, 2022.

Resolution No. CB-22-055, Dated August 29, 2022. Authorizes a side letter between the Commonwealth and PLEA that reschedules the October 2022 general pay increase and January 2023 increment to August 2022.

Resolution No. CB-22-056, Dated August 29, 2022. Authorizes a side letter between the Commonwealth and AFSCME that reschedules the October 2022 general pay increase and January 2023 increment to August 2022 for employees within the Pennsylvania Game Commission and Fish and Boat Commission.

Resolution No. CB-22-057, Dated August 29, 2022. Authorizes the labor agreement between the Commonwealth and Pa. State Rangers Association (PSRA) effective 7/1/2021 through 6/30/2024.

Resolution No. CB-22-058, Dated August 29, 2022. Authorizes a side letter with the PA State Rangers Association (PSRA) to expedite the general pay increase and annual increment.

Governor's Office

Manual No. 110.01—2023-24 Budget Instructions, Amended August 15, 2022.

Management Directive No. 260.03—Gubernatorial Transitions, Dated August 10, 2022.

Management Directive No. 325.03—Performance of Audit Responsibilities, Amended August 30, 2022.

Administrative Circular No. 22-10—Holiday Trees and Decorations in Commonwealth Owned or Leased Buildings, Dated August 11, 2022.

Administrative Circular No. 22-11—Holidays—2023, Dated August 25, 2022.

AMY J. MENDELSON,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 22-1454. Filed for public inspection September 16, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into Conservation Service Provider and Other Third-Party Access to Electric Distribution Company Customer Data; Doc. No. M-2021-3029018

On February 8, 2022, the Pennsylvania Public Utility Commission (Commission) sent out a Secretarial Letter, with a list of questions regarding Conservation Service Provider (CSP) and other third-party access to Electric Distribution Company customer data. On August 4, 2022, the Commission approved a petition by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively FirstEnergy) at Docket No. P-2021-3030012, et al., for approval of the Default Service Plan (DSP) from June 1, 2023, through May 31, 2027. Based on the initial comments filed at Docket No. M-2021-3029018, and the approval of the FirstEnergy's DSP, filed at Docket No. P-2021-3030012, the Commission has additional ques-

tions regarding potential pathways to be created for CSP's and other third parties to access customer data. These questions have been included as Attachment A to this Secretarial Letter.

It is not intended that this list of questions limit the information commentators may furnish. When submitting responses to these proceedings, commentators are encouraged to submit any additional questions or any other information that they deem relevant.

Interested parties are invited to file comments within 45 days after the date of publication of the instant Secretarial Letter in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2021-3029018 shall be submitted to the Pennsylvania Public Utility Commission, Attn.: Secretary, 400 North Street, Harrisburg, PA 17120, or eFiled at <https://efiling.puc.pa.gov/>.

If there are any technical questions regarding the investigation, contact Jeremy Haring, jharing@pa.gov, (717) 783-6174, in the Commission's Bureau of Technical Utility Services. If there are any questions related to the comment and approval processes, contact either Scott Thomas, sjthomas@pa.gov, (717) 783-2812, in the Commission's Law Bureau, or Christian McDewell, cmcdewell@pa.gov, (717) 787-7466, in the Commission's Law Bureau.

ROSEMARY CHIAVETTA,
Secretary

Attachment A

Follow Up Questions Related to the Commission's Investigation into Conservation Service Provider (CSP) and Other Third-Party Access to Electric Distribution Company Customer Data at Docket No. M-2021-3029018

7. What barriers, if any, prevent EDCs from implementing the components of the third-party data access tariff supplement contained in the FirstEnergy settlement at Docket No. P-2021-3030012, including but not limited to, the following policies?

a. Implement a standard form of authorization to be used for all new requests from third parties seeking customer data.

b. Conduct periodic, randomized internal audits of participants to ensure that letters of authorization are being properly obtained by third parties. Such audits will occur at least semi-annually and will include at least 10% of active third parties.

8. What specific customer electric usage information do the EDCs believe can reasonably to be released to 3rd parties?

9. What specific customer electric usage data do other parties believe EDCs should have available to reasonably be released to 3rd parties?

[Pa.B. Doc. No. 22-1455. Filed for public inspection September 16, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2022-3034637. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural

gas service by Columbia Gas of Pennsylvania, Inc. to one commercial premises located in Somerset County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, September 19, 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 documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Candis A. Tunilo, Esquire, Columbia Gas of Pennsylvania, Inc., 800 North Third Street, Suite 204, Harrisburg, PA 17102; Theodore J. Gallagher, Esquire, NiSource Corporate Services Company, 121 Champion Way, Suite 100, Canonsburg, PA 15317

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1456. Filed for public inspection September 16, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2022-3035015. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to one commercial premises and two residential premises in Beaver County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 3, 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 documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings

containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Columbia Gas of Pennsylvania, Inc., 121 Champion Way, Suite 100, Canonsburg, PA 15317

Through and By Counsel for: Candis A. Tunilo, Esquire, 800 North Third Street, Suite 204, Harrisburg, PA 17102, ctunilo@nisource.com; Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1457. Filed for public inspection September 16, 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 October 3, 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 October 3, 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.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2022-3034654. Medi-Cab Transport, LLC (35 Majestic Circle, Hollidaysburg, Blair County, PA 16648) persons in paratransit service, limited to nonemergency medical purposes from points in the Counties of Beaver, Butler, Cameron, Clarion, Clinton, Crawford, Dauphin, Elk, Erie, Forest, Lancaster, Lawrence, Lebanon, McKean, Mercer, Perry, Potter, Venango, Warren, Washington and York, to points in Pennsylvania, and return. *Attorney:* Paul Eckenrode, 171 Lovell Avenue, Suite 202, Edenburg, PA 15931.

A-2022-3034809. Tri Transit, LLC (923 South 17th Street, Harrisburg, Dauphin County, PA 17103) for the right to begin to transport, as a common carrier, by motor

vehicles, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Cumberland and Dauphin.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1458. Filed for public inspection September 16, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2022-3034879. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Peerless Network of Pennsylvania, LLC. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Peerless Network of Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Peerless Network of Pennsylvania, LLC, by their counsel, filed on August 31, 2022, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Peerless Network of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1459. Filed for public inspection September 16, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2022-3035054 and U-2022-3035052. PECO Energy Company. Application of PECO Energy Company for approval of transfer by sale to Upper Gwynedd Township of street lighting facilities located in Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 3, 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 documents filed in support of the application are available

only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699

Through and By Counsel for: Caroline S. Choi, Assistant General Counsel, PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699, (770) 910-3006, Caroline.Choi@exeloncorp.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1460. Filed for public inspection September 16, 2022, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than October 3, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director 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-22-09-01. M.A. Service, LLC (117 Cumberland Place, Bryn Mawr, PA 19010): An application for a limousine certificate of public convenience to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

DENNIS WELDON,
Temporary Executive Director

[Pa.B. Doc. No. 22-1461. Filed for public inspection September 16, 2022, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v. Car Farm Auto Group, LLC; Case No. 19-60- 000547

On July 13, 2022, Car Farm Auto Group, LLC, vehicle dealer license No. VD029650, last known of Levittown, Bucks County, was levied a \$9,400 civil penalty for employing vehicle salespeople who were not properly licensed.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

KIRK A. DAVIS,
Chairperson

[Pa.B. Doc. No. 22-1462. Filed for public inspection September 16, 2022, 9:00 a.m.]

STATE HORSE RACING COMMISSION

Receipt of Matters Subject to Intervention

In accordance with 7 Pa. Code § 179.17(d) (relating to intervention), the State Horse Racing Commission (Commission) provides notice that it has received the following timely, substantially complete and properly filed applications or petitions seeking authorization, permission or licensure renewal, or both, to engage in certain licensed racing activities within this Commonwealth:

Vendor Renewal Applications:

1. Churchill Downs Technology Initiatives Company (d/b/a TwinSpire)
2. Gaming and Leisure Properties, Inc.
3. International Sound Corporation
4. Penn ADW, LLC
5. Roberts Communications Network, LLC
6. ODS Technologies, LP (d/b/a TVG Network)

7. VICI Properties, Inc.
8. Xpressbet, LLC
9. eBet Technologies, Inc.
10. Global Tote US, LLC (f/k/a Sportech Racing, LLC)

Totalisator Renewal Applications:

1. Am Tote International, Inc.
2. United Tote Company
3. Global Tote US, LLC (f/k/a Sportech Racing, LLC)

SPMO License Renewal Applications:

1. AM West Entertainment, LLC

Electronic Wagering Petitions:

1. Bensalem Racing Association and Keystone Turf Club, Inc.
2. Downs Racing, LP
3. Washington Trotting Association, LLC and Mountain Laurel Racing, Inc.
4. Presque Isle Downs, LLC
5. Mountainview Thoroughbred Racing Association and Penn National Turf Club, LLC
6. Chester Downs and Marina, LLC (d/b/a Harrah's Philadelphia Casino and Racetrack)

3-Year Race Meet License Renewal:

1. Downs Racing, LP (d/b/a Mohegan Sun Pocono)
2. Penn Entertainment, Inc. (f/k/a Penn National Gaming, Inc.)
3. Chester Downs and Marina, LLC (d/b/a Harrah's Philadelphia Casino and Racetrack)
4. Mountain Laurel Racing, Inc. and Washington Trotting Association, Inc. (d/b/a The Meadows Racetrack & Casino)
5. Bensalem Racing Association, Inc. & Keystone Turf Club, Inc. (d/b/a Parx Racetrack & Casino)

Under 7 Pa. Code § 179.17(b) and (e) of the Commission's adopted procedures, persons interested in intervening in the previously listed matters may file a Petition to Intervene with the Commission within 30 days of the publication of this notice.

ANTHONY SALERNO,
Director
Bureau of Standardbred Horse Racing

THOMAS F. CHUCKAS, Jr.,
Director
Bureau of Thoroughbred Horse Racing

[Pa.B. Doc. No. 22-1463. Filed for public inspection September 16, 2022, 9:00 a.m.]

