

PENNSYLVANIA BULLETIN

Volume 53

Number 22

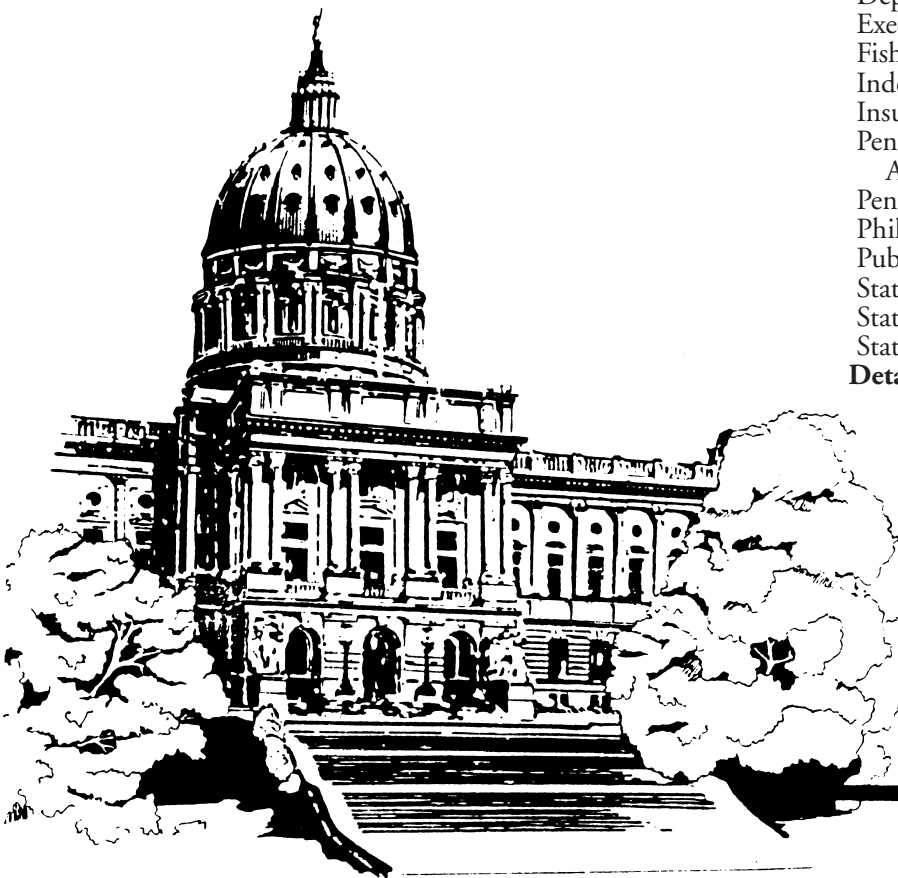
Saturday, June 3, 2023 • Harrisburg, PA

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BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$87.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 3, 5 AND 9]

Order Amending Rules 311, 313, 341, 512, 902, and 904 of the Pennsylvania Rules of Appellate Procedure; No. 306 Appellate Procedural Rules Docket

Order

Per Curiam

And Now, this 18th day of May, 2023, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 311, 313, 341, 512, 902, and 904 of the Pennsylvania Rules of Appellate Procedure are amended in the attached form.

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

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

INTERLOCUTORY APPEALS

Rule 311. Interlocutory Appeals as of Right.

(a) *General Rule.* An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from the following types of orders:

(1) *Affecting Judgments.* An order refusing to open, vacate, or strike off a judgment. If orders opening, vacating, or striking off a judgment are sought in the alternative, no appeal may be filed until the court has disposed of each claim for relief.

(2) *Attachments, etc.* An order confirming, modifying, dissolving, or refusing to confirm, modify or dissolve an attachment, custodianship, receivership, or similar matter affecting the possession or control of property, except for orders pursuant to 23 Pa.C.S. §§ 3323(f), 3505(a).

(3) *Change of Criminal Venue or Venire.* An order changing venue or venire in a criminal proceeding.

(4) *Injunctions.* An order that grants or denies, modifies or refuses to modify, continues or refuses to continue, or dissolves or refuses to dissolve an injunction unless the order was entered:

(i) Pursuant to 23 Pa.C.S. §§ 3323(f), 3505(a); or

(ii) After a trial but before entry of the final order. Such order is immediately appealable, however, if the order enjoins conduct previously permitted or mandated

or permits or mandates conduct not previously mandated or permitted, and is effective before entry of the final order.

(5) *Peremptory Judgment in Mandamus.* An order granting peremptory judgment in mandamus.

(6) *New Trials.* An order in a civil action or proceeding awarding a new trial, or an order in a criminal proceeding awarding a new trial where the defendant claims that the proper disposition of the matter would be an absolute discharge or where the Commonwealth claims that the trial court committed an error of law.

(7) *Partition.* An order directing partition.

(8) *Other Cases.* An order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims and of all parties.

(b) *Order Sustaining Venue or Personal or In Rem Jurisdiction.* An appeal may be taken as of right from an order in a civil action or proceeding sustaining the venue of the matter or jurisdiction over the person or over real or personal property if:

(1) the plaintiff, petitioner, or other party benefiting from the order files of record within ten days after the entry of the order an election that the order shall be deemed final; or

(2) the court states in the order that a substantial issue of venue or jurisdiction is presented.

(c) *Changes of Venue, etc.* An appeal may be taken as of right from an order in a civil action or proceeding changing venue, transferring the matter to another court of coordinate jurisdiction, or declining to proceed in the matter on the basis of *forum non conveniens* or analogous principles.

(d) *Commonwealth Appeals in Criminal Cases.* In a criminal case, under the circumstances provided by law, the Commonwealth may take an appeal as of right from an order that does not end the entire case where the Commonwealth certifies in the notice of appeal that the order will terminate or substantially handicap the prosecution.

(e) *Orders Overruling Preliminary Objections in Eminent Domain Cases.* An appeal may be taken as of right from an order overruling preliminary objections to a declaration of taking and an order overruling preliminary objections to a petition for appointment of a board of viewers.

(f) *Administrative Remand.* An appeal may be taken as of right from:

(1) an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer for execution of the adjudication of the reviewing tribunal in a manner that does not require the exercise of administrative discretion; or

(2) an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer that decides an issue that would ultimately evade appellate review if an immediate appeal is not allowed.

(g) *Waiver of Objections.*

(1) Except as provided in subdivision (g)(1), failure to file an appeal of an interlocutory order does not waive any objections to the interlocutory order:

(i) [Rescinded].

(ii) Failure to file an appeal from an interlocutory order under subdivision (b)(1) or subdivision (c) of this rule shall constitute a waiver of all objections to jurisdiction over the person or over the property involved or to venue, etc., and the question of jurisdiction or venue shall not be considered on any subsequent appeal.

(iii) Failure to file an appeal from an interlocutory order under subdivision (e) of this rule shall constitute a waiver of all objections to such an order.

(iv) Failure to file an appeal from an interlocutory order refusing to compel arbitration, appealable under 42 Pa.C.S. § 7320(a)(1) and subdivision (a)(8) of this rule, shall constitute a waiver of all objections to such an order.

(2) Where no election that an interlocutory order shall be deemed final is filed under subdivision (b)(1) of this rule, the objection may be raised on any subsequent appeal.

(h) *Further Proceedings in the Trial Court.* Pa.R.A.P. 1701(a) shall not be applicable to a matter in which an interlocutory order is appealed under subdivisions (a)(2) or (a)(4) of this rule.

Comment

Authority—This rule implements 42 Pa.C.S. § 5105(c), which provides:

(c) *Interlocutory appeals.* There shall be a right of appeal from such interlocutory orders of tribunals and other government units as may be specified by law. The governing authority shall be responsible for a continuous review of the operation of section 702(b) (relating to interlocutory appeals by permission) and shall from time to time establish by general rule rights to appeal from such classes of interlocutory orders, if any, from which appeals are regularly permitted pursuant to section 702(b).

The appeal rights under this rule and under Pa.R.A.P. 312, Pa.R.A.P. 313, Pa.R.A.P. 341, and Pa.R.A.P. 342 are cumulative, and no inference shall be drawn from the fact that two or more rules may be applicable to an appeal from a given order. **Pa.R.A.P. 902 addresses whether separate notices of appeal are required to be filed where an order appealable under this rule is entered on more than one docket.**

Subdivision (a)—If an order falls under Pa.R.A.P. 311, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Pa.R.A.P. 341(c) and 1311 do not apply to an appeal under Pa.R.A.P. 311.

Subdivision (a)(3)—Change of venire is authorized by 42 Pa.C.S. § 8702. Pa.R.Crim.P. 584 treats changes of venue and venire the same. Thus, an order changing venue or venire is appealable by the defendant or the Commonwealth, while an order refusing to change venue or venire is not. *See also* Pa.R.A.P. 903(c)(1) regarding time for appeal.

Subdivision (a)(4)—This subdivision does not apply to an order granting or denying an application filed with a trial court under Pa.R.A.P. 1732(a) (stays or injunctions pending appeal). Any further relief may be sought directly from the appellate court under Pa.R.A.P. 1732(b). *See In re Passarelli Trust*, 231 A.3d 969 (Pa. Super. 2020).

Subdivision (a)(5) authorizes an interlocutory appeal as of right from an order granting a motion for peremptory judgment in mandamus without the condition precedent of a motion to open the peremptory judgment in manda-

mus. An order denying a motion for peremptory judgment in mandamus remains unappealable.

Subdivision (a)(6)—*See Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (holding that an order declaring a mistrial only is not “an order in a criminal proceeding awarding a new trial”).

Subdivision (a)(8) recognizes that orders that are procedurally interlocutory may be made appealable by statute or general rule. For example, see 27 Pa.C.S. § 8303. The Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Criminal Procedure, etc., should also be consulted. See Pa.R.A.P. 341(f) for appeals of Post Conviction Relief Act orders.

Subdivision (b) is based in part on the Act of March 5, 1925, P.L. 23. The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. *Cf. In the Matter of Phillips*, 370 A.2d 307, **308** (Pa. 1977).

In subdivision (b)(1), a plaintiff is given a qualified option to gamble that the venue of the matter or personal or *in rem* jurisdiction will be sustained on appeal because it can be overridden by petition for and grant of permission to appeal under Pa.R.A.P. 312. Subdivision (g)(1)(ii) provides that if the plaintiff timely elects final treatment, the failure of the defendant to appeal constitutes a waiver. The appeal period under Pa.R.A.P. 903 ordinarily runs from the entry of the order, and not from the date of filing of the election, which procedure will ordinarily afford at least 20 days within which to appeal. *See* Pa.R.A.P. 903(c)(2) as to treatment of special appeal times. If the plaintiff does not file an election to treat the order as final, the case will proceed to trial unless (1) the trial court makes a finding under subdivision (b)(2) of the existence of a substantial question of **venue or jurisdiction** and the defendant elects to appeal, (2) an interlocutory appeal is permitted under Pa.R.A.P. 312, or (3) another basis for appeal appears, for example, under subdivision (a)(1), and an appeal is taken. Presumably, a plaintiff would file such an election where plaintiff desires to force the defendant to decide promptly whether the objection to venue or jurisdiction will be seriously pressed. Subdivision (b) does not cover orders that do not sustain jurisdiction because they are, of course, final orders appealable under Pa.R.A.P. 341.

Subdivision (c) is based in part on the [act] **Act** of March 5, 1925, [() P.L. 23 [, No. 15]]. The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. *Cf. In the Matter of Phillips*, 370 A.2d 307, 308 (Pa. 1977). Subdivision (c) covers orders that do not sustain venue, such as orders under [**Pa.R.C.P.**] **Pa.R.Civ.P.** 1006(d) and (e).

However, the subdivision does not relate to a transfer under 42 Pa.C.S. § 933(c)(1), 42 Pa.C.S. § 5103, or any other similar provision of law, because such a transfer is not to a “court of coordinate jurisdiction” within the meaning of this rule; it is intended that there shall be no right of appeal from a transfer order based on improper subject matter jurisdiction. Such orders may be appealed by permission under Pa.R.A.P. 312, or an appeal as of right may be taken from an order dismissing the matter for lack of jurisdiction. *See Balshy v. Rank*, 490 A.2d 415, 416 (Pa. 1985).

Other orders relating to subject matter jurisdiction (which for this purpose does not include questions as to

the form of action, such as between law and equity, or divisional assignment, *see* 42 Pa.C.S. § 952) will be appealable under Pa.R.A.P. 341 if jurisdiction is not sustained, and otherwise will be subject to Pa.R.A.P. 312.

Pursuant to subdivision (d), the Commonwealth has a right to take an appeal from an interlocutory order provided that the Commonwealth certifies in the notice of appeal that the order terminates or substantially handicaps the prosecution. *See* Pa.R.A.P. 904(e). This rule supersedes *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006).

Pursuant to subdivision (f), there is an immediate appeal as of right from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer for execution of the adjudication of the reviewing tribunal in a manner that does not require the exercise of administrative discretion. Examples of such orders include: a remand by a court of common pleas to the Department of Transportation for removal of points from a driver's license; and an order of the Workers' Compensation Appeal Board reinstating compensation benefits and remanding to a referee for computation of benefits.

Subdivision (f) further permits immediate appeal from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer that decides an issue that would ultimately evade appellate review if an immediate appeal is not allowed. *See Lewis v. Sch. Dist. of Philadelphia*, 690 A.2d 814, 816 (Pa. Cmwlth. 1997).

Subdivision (g)(1)[(iii)](iv) addresses waiver in the context of appeals from various classes of arbitration orders. All six types of arbitration orders identified in 42 Pa.C.S. § 7320(a) are immediately appealable as of right. Differing principles govern these orders, some of which are interlocutory and some of which are final. The differences affect whether an order is appealable under this rule or Pa.R.A.P. 341(b) and whether an immediate appeal is necessary to avoid waiver of objections to the order.

- Section 7320(a)(1)—An interlocutory order refusing to compel arbitration under 42 Pa.C.S. § 7320(a)(1) is immediately appealable pursuant to Pa.R.A.P. 311(a)(8). Failure to appeal the interlocutory order immediately waives all objections to it. *See* Pa.R.A.P. 311(g)(1)(iv). This supersedes the holding in *Cooke v. Equitable Life Assurance Soc'y*, 723 A.2d 723, 726 (Pa. Super. 1999). Pa.R.A.P. 311(a)(8) and former Pa.R.A.P. 311(g)(1)(i) require a finding of waiver based on failure to appeal the denial order when entered).
- Section 7320(a)(2)—Failure to appeal an interlocutory order granting an application to stay arbitration under 42 Pa.C.S. § 7304(b) does not waive the right to contest the stay; an aggrieved party may appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.
- Section 7320(a)(3)—(a)(6)—If an order is appealable under 42 Pa.C.S. § 7320(a)(3), (4), (5), or (6) because it is final, that is, the order disposes of all claims and of all parties, *see* Pa.R.A.P. 341(b), failure to appeal immediately waives all issues. If the order does not dispose of all claims or of all parties, then the order is interlocutory. An aggrieved party may

appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.

Subdivision (h)—*See* note to Pa.R.A.P. 1701(a).

Rule 313. Collateral Orders.

(a) *General [rule.—] Rule.* An appeal may be taken as of right from a collateral order of a trial court or other government unit.

(b) *Definition.* [—] A collateral order is an order separable from and collateral to the main cause of action where the right involved is too important to be denied review and the question presented is such that if review is postponed until final judgment in the case, the claim will be irreparably lost.

[Official Note] Comment:

If an order meets the definition of a collateral order, it is appealed by filing a notice of appeal or petition for review.

Pa.R.A.P. 313 is a codification of existing case law with respect to collateral orders. *See Pugar v. Greco*, 394 A.2d 542, 545 (Pa. 1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)).

Pennsylvania appellate courts have found a number of classes of orders to fit the collateral order definition. Collateral order cases are collected and discussed in Darlington, McKeon, Schuckers and Brown, *Pennsylvania Appellate Practice 2015-2016 Edition*, §§ 313:1—313:201. Examples include an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 487 A.2d 1363 (Pa. Super. 1985), and an order denying a petition for removal of an executor, *Re: Estate of Georgiana*, 458 A.2d 989 (Pa. Super. 1983), *aff'd*, 475 A.2d 744 (Pa. 1984), and an order denying a pre-trial motion to dismiss on double jeopardy grounds if the trial court does not also make a finding that the motion to dismiss is frivolous. *See Commonwealth v. Brady*, 508 A.2d 286, 289—91 (Pa. 1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court does not make a finding of frivolousness); *Commonwealth v. Orie*, 22 A.3d 1021 (Pa. 2011). An order denying a pre-trial motion to dismiss on double jeopardy grounds that also finds that the motion to dismiss is frivolous is not appealable as of right as a collateral order, but may be appealable by permission under Pa.R.A.P. 1311(a)(3).

Pa.R.A.P. 902 addresses whether separate notices of appeal are required to be filed where an order appealable under this rule is entered on more than one docket.

FINAL ORDERS

Rule 341. Final Orders; Generally.

(a) *General [rule.—] Rule.* Except as prescribed in [paragraphs] subdivisions (d) and (e) of this rule, an appeal may be taken as of right from any final order of a government unit or trial court.

(b) *Definition of [final order.—] Final Order.* A final order:

(1) disposes of all claims and of all parties;

(2) [Rescinded];

(3) is entered as a final order pursuant to [paragraph] subdivision (c) of this rule; or

(4) is an order pursuant to [**paragraph**] **subdivision** (f) of this rule.

(c) *Determination of [**finality.—**] **Finality.** When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the trial court or other government unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:*

(1) An application for a determination of finality under [**paragraph**] **subdivision** (c) must be filed within 30 days of entry of the order. During the time an application for a determination of finality is pending, the action is stayed.

(2) Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

(3) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.

(d) *Superior Court and Commonwealth Court [**orders.—**] **Orders.** Except as prescribed by Pa.R.A.P. 1101 no appeal may be taken as of right from any final order of the Superior Court or of the Commonwealth Court.*

(e) *Criminal [**orders.—**] **Orders.** An appeal may be taken by the Commonwealth from any final order in a criminal matter only in the circumstances provided by law.*

(f) *Post Conviction Relief Act [**orders**] **Orders.***

(1) An order granting, denying, dismissing, or otherwise finally disposing of a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.

(2) An order granting sentencing relief, but denying, dismissing, or otherwise disposing of all other claims within a petition for post-conviction collateral relief, shall constitute a final order for purposes of appeal.

[**Official Note**] **Comment:**

*Related Constitutional and statutory provisions—*Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The constitutional provision is implemented by 2 Pa.C.S. § 702, 2 Pa.C.S. § 752, and 42 Pa.C.S. § 5105.

*Criminal law proceedings—Commonwealth appeals—*Orders that do not dispose of the entire case that were formerly appealable by the Commonwealth in criminal cases under Pa.R.A.P. 341 are appealable as interlocutory appeals as of right under [**paragraph (d) of**] Pa.R.A.P. 311(d).

*Final orders—pre- and post-1992 practice—*The 1992 amendment generally eliminated appeals as of right

under Pa.R.A.P. 341 from orders that do not end the litigation as to all claims and as to all parties. Prior to 1992, there were cases that deemed an order final if it had the practical effect of putting a party out of court, even if the order did not end the litigation as to all claims and all parties.

A party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order[, see]. *See, e.g., K.H. v. J.R.*, 826 A.2d 863, 870-71 (Pa. 2003) (**notice of appeal** following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (**notice of appeal** of summary judgment); *Laster v. Unemployment Comp. Bd. of Rev.*, 80 A.3d 831, 832 n.2 (Pa.Cmwlth. 2013) (**petition for review of agency decision**). Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Malanchuk v. Tsimura*, 137 A.3d 1283, 1288 (Pa. 2016) (“[C]omplete consolidation (or merger or fusion of actions) does not occur absent a complete identity of parties and claims; separate actions lacking such overlap retain their separate identities and require distinct judgments”); *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons’ judgments of sentence).

The 1997 amendments to [**paragraphs**] **subdivisions** (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

*Rescission of [**subparagraph**] **subdivision** (b)(2)—*Former [**subparagraph**] **subdivision** (b)(2) provided for appeals of orders defined as final by statute. The 2015 rescission of [**subparagraph**] **subdivision** (b)(2) eliminated a potential waiver trap created by legislative use of the adjective “final” to describe orders that were procedurally interlocutory but nonetheless designated as appealable as of right. Failure to appeal immediately an interlocutory order deemed final by statute waived the right to challenge the order on appeal from the final judgment. Rescinding [**subparagraph**] **subdivision** (b)(2) eliminated this potential waiver of the right to appeal. If an order designated as appealable by a statute disposes of all claims and of all parties, it is appealable as a final order pursuant to Pa.R.A.P. 341. If the order does not meet that standard, then it is interlocutory regardless of the statutory description. Pa.R.A.P. 311(a)(8) provides for appeal as of right from an order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims or of all parties and, thus, is interlocutory. Pa.R.A.P. 311(g) addresses waiver if no appeal is taken immediately from such interlocutory order.

One of the further effects of the rescission of [**subparagraph**] **subdivision** (b)(2) is to change the basis for appealability of orders that do not end the case but grant or deny a declaratory judgment. *See Nationwide Mut. Ins. Co. v. Wickett*, 763 A.2d 813, 818 (Pa. 2000); *Pa. Bankers Ass’n v. Pa. Dep’t of Banking*, 948 A.2d 790, 798 (Pa. 2008). The effect of the rescission is to eliminate waiver for failure to take an immediate appeal from such an order. A party aggrieved by an interlocutory order granting or denying a declaratory judgment, where the order satisfies the criteria for “finality” under *Pennsylvania*

nia Bankers Association, may elect to proceed under Pa.R.A.P. 311(a)(8) or wait until the end of the case and proceed under [**subparagraph**] **subdivision** (b)(1) of this rule.

An arbitration order appealable under 42 Pa.C.S. § 7320(a) may be interlocutory or final. If it disposes of all claims and all parties, it is final, and, thus, appealable pursuant to Pa.R.A.P. 341. If the order does not dispose of all claims and all parties, that is, the order is not final, but rather interlocutory, it is appealable pursuant to Pa.R.A.P. 311. Failure to appeal an interlocutory order appealable as of right may result in waiver of objections to the order. See Pa.R.A.P. 311(g).

[**Paragraph**] **Subdivision** (c)—*Determination of finality*—[**Paragraph**] **Subdivision** (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under [**paragraph**] **subdivision** (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or government unit will consider issues a second time; and
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the government unit or trial court for a determination of finality pursuant to [**paragraph**] **subdivision** (c) shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the government unit or trial court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the entire case and refuses to enter a final order, a petition for permission to appeal under Pa.R.A.P. 1311 of the unappealable order of denial is the exclusive mode of review. The filing of such a petition does not prevent the trial court or other government unit from proceeding further with the matter pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant may apply for a discretionary stay of the proceeding below.

[**Subparagraph**] **Subdivision** (c)(2) provides for a stay of the action pending determination of an application for a determination of finality. If the application is denied, and a petition for permission to appeal is filed challenging the denial, a stay or *supersedeas* will issue only as provided under Chapter 17 of these rules.

In the event that a trial court or other government unit enters a final order pursuant to [**paragraph**] **subdivision** (c) of this rule, the trial court or other government unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)—(5).

[**Paragraph**] **Subdivision** (f)—*Post Conviction Relief Act Orders*—A failure to timely file an appeal pursuant to [**paragraph**] **subdivision** (f)(2) shall constitute a waiver of all objections to such an order.

Pa.R.A.P. 902 addresses whether separate notices of appeal are required to be filed where an order appealable under this rule is entered on more than one docket.

CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

MULTIPLE APPEALS

Rule 512. Joint Appeals.

Parties interested jointly, severally or otherwise in any order in the same matter or in joint matters or in matters consolidated for the purposes of trial or argument, may join as appellants or be joined as appellees in a single appeal where the grounds for appeal are similar, or any one or more of them may appeal separately or any two or more may join in an appeal.

[**Official Note**] **Comment:**

This describes who may join in a single notice of appeal. The rule does not address whether a single notice of appeal is adequate under the circumstances presented. Under [**Rule**] **Pa.R.A.P. 341**, a single notice of appeal will not be adequate to take an appeal from orders entered on more than one trial court docket. See [**Rule**] **Pa.R.A.P. 341**, Note (“Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed.”). **Pa.R.A.P. 902 addresses whether separate notices of appeal are required to be filed where an order appealable under this rule is entered on more than one docket.**

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 902. Manner of Taking Appeal.

(a) **Requirements.** An appeal permitted by law as of right from a [**lower**] **trial** court to an appellate court shall be taken by filing a notice of appeal with the clerk of the [**lower**] **trial** court within the time allowed by [**Rule**] **Pa.R.A.P. 903** (time for appeal). [**Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but it is subject to such action as the appellate court deems appropriate, which may include, but is not limited to, remand of the matter to the lower court so that the omitted procedural step may be taken**] **A notice of appeal must be filed in each docket in which the order has been entered.**

(b) **Failure to Comply with Requirements.**

(1) **Generally.** **Except as provided in subdivision (b)(2), the failure of a party to comply with the requirements stated in subdivision (a) does not affect the validity of the appeal, but the appeal is subject to such action as the appellate court deems appropriate. Such action may include, but is not limited to, remand of the matter to the trial court so that the omitted procedural step may be taken.**

(2) **Exception.** **The failure to file a notice of appeal within the time allowed by Pa.R.A.P. 903 (time for appeal) renders an appeal invalid.**

[**Official Note:** 42 Pa.C.S. § 703 (place and form of filing appeals) provides that appeals, petitions for review, petitions for permission to appeal and peti-

tions for allowance of appeal shall be filed in such office and in such form as may be prescribed by general rule.

This chapter represents a significant simplification of practice. In all appeals the appellant prepares two documents: (1) a simple notice of appeal, and (2) a proof of service. The notice of appeal is filed in the lower court and copies thereof, together with copies of the proof of service, are mailed and delivered to all who need to know of the appeal: other parties, lower court judge, official court reporter. The clerk of the trial court transmits one set of the filed papers to the appellate prothonotary (with the requisite filing fee). The appellate prothonotary notes the appellate docket number on the notice of appeal and may utilize photocopies of the marked-up notice of appeal to notify the parties, the lower court and Administrative Office of the fact of docketing. In an appeal to the Supreme Court, the appellant must also prepare, file and serve and the clerk of the trial court must transmit a jurisdictional statement as required by Rule 909.

The new procedure has a number of advantages: (1) the taking of the appeal is more certain in counties other than Dauphin, Philadelphia and Pittsburgh, because the appellant may toll the time for appeal by filing the notice of appeal in his local court house thereby eliminating the time lost in transmission of the appeal by mail; (2) the initial filing in the lower court raises an immediate caveat on the record before irreversible or undesirable action is taken on the faith of the judgment appealed from; (3) the immediate recording of the appeal below will simplify criminal appeal matters, e.g. by avoiding in certain cases the unnecessary holding and transfer of defendants between sentencing and perfecting an appeal; (4) the new procedure necessarily eliminates the “trap” of failure to perfect an appeal, since the notice of appeal is self-perfecting; and (5) the paper work of all parties and the appellate prothonotary is significantly reduced, since the preparation of the writ of certiorari and certain other papers is eliminated.

The 1986 revision to the last sentence of the rule indicates a change in approach to formal defects. The reference to dismissal of the appeal has been deleted in favor of a preference toward, remanding the matter to the lower court so that the omitted procedural step may be taken, thereby enabling the appellate court to reach the merits of the appeal. Nevertheless, dismissal of the appeal ultimately remains a possible alternative where counsel fails to take the necessary steps to correct the defect. See Note to Rule 301 for examples of when an appeal may be remanded because an order has not been reduced to judgment or final decree and docketed.]

Comment:

Discretionary aspects of sentencing. Section 9781 of the Sentencing Code (42 Pa.C.S. § 9781) provides that the defendant or the Commonwealth may file a “petition for allowance of appeal” of the discretionary aspects of a sentence for a felony or a misdemeanor. The notice of appeal under this chapter (see [Rule] Pa.R.A.P. 904 (content of the notice of appeal)), in conjunction with the requirements set forth in Pa.R.A.P. 2116(b) and 2119(f), operates as the “petition for allowance of appeal” under

the Sentencing Code. No additional wording is required or appropriate in the notice of appeal.

In effect, the filing of the “petition for allowance of appeal” contemplated by the statute is deferred by these rules until the briefing stage, where the question of the appropriateness of the discretionary aspects of the sentence may be briefed and argued in the usual manner. See Pa.R.A.P. 2116(b) and [the] note [thereto]; Pa.R.A.P. 2119(f) and [the] note [thereto].

Subdivision (a). Where cases are consolidated or related, applicable practice in the trial court may result in the order listing multiple dockets and being entered in one or more dockets. Under those circumstances, an appellant who intends to appeal the order in one docket should file a notice of appeal in the appropriate docket listing that docket number. An appellant who intends to appeal the order in more than one docket is required to file a separate notice of appeal in each docket, listing the appropriate docket number. See *Commonwealth v. Walker*, 185 A.3d 969 (Pa. 2018).

The appellant who intends to appeal the order in more than one docket is cautioned that “no order of a court shall be appealable until it has been entered upon the appropriate docket in the trial court.” Pa.R.A.P. 301(a)(1). The burden is on the appellant to cause entry of the order on the appropriate docket in anticipation of taking the appeal. Under these circumstances, the appellant is also cautioned to consider Pa.R.A.P. 301 when calculating the time allowed for filing the notice of appeal pursuant to Pa.R.A.P. 903. Pa.R.A.P. 301 provides that “[w]here under the applicable practice below an order is entered in two or more dockets, the order has been entered for the purposes of appeal when it has been entered in the first appropriate docket.” Pa.R.A.P. 301(a)(1).

One exception has been recognized to the requirement of filing separate notices of appeal. An appellant may file a single notice of appeal from an order entered in the lead docket for consolidated civil cases “where all record information necessary to adjudication of the appeal exists, and which involves identical parties, claims and issues.” See *Always Busy Consulting, LLC v. Babford & Co., Inc.*, 247 A.3d 1033, 1043 (Pa. 2021).

Subdivision (b). When it is not apparent from the notice of appeal that the requirements of Pa.R.A.P. 902 have been satisfied, an appellate court may remand, issue a rule, or take other steps that may require the appellant to respond with additional information or to correct a defect. See *Commonwealth v. Young*, 265 A.3d 462 (Pa. 2021), and the Note to Pa.R.A.P. 301 for examples of when an appeal may be remanded because an order has not been reduced to judgment or final decree and docketed.

If the appellant fails to respond or take the necessary steps to correct a defect, the appellate court may quash the appeal.

The failure to file a timely notice of appeal implicates the jurisdiction of the appellate court and requires quashal of the appeal. See 42 Pa.C.S. § 704(b)(1); *Commonwealth v. Williams*, 106 A.3d 583, 587 (Pa. 2014).

Rule 904. Content of the Notice of Appeal.

(a) *Form.* [—] Except as otherwise prescribed by this rule, the notice of appeal shall be in substantially the following form:

* * * * *

(b) *Caption.*

(1) *General [rule.—] Rule.* The parties shall be stated in the caption as they appeared on the record of the trial court at the time the appeal was taken.

(2) *Appeal of [custody action.—] Custody Action.* In an appeal of a custody action where the trial court has used the full name of the parties in the caption, upon application of a party and for cause shown, an appellate court may exercise its discretion to use the initials of the parties in the caption based upon the sensitive nature of the facts included in the case record and the best interest of the child.

(c) *Request for [transcript.—] Transcript.* The request for transcript contemplated by Pa.R.A.P. 1911 or a statement signed by counsel that either there is no verbatim record of the proceedings or the complete transcript has been lodged of record shall accompany the notice of appeal, but the absence of or defect in the request for transcript shall not affect the validity of the appeal.

(d) *Docket [entry.—] Entry.* The notice of appeal shall include a statement that the order appealed from has been entered on the docket. A copy of the docket entry showing the entry of the order appealed from shall be attached to the notice of appeal.

(e) *Content in [criminal cases.—] Criminal Cases.* When the Commonwealth takes an appeal pursuant to Pa.R.A.P. 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

(f) *Content in [children's fast track appeals.—] Children's Fast Track Appeals.* In a children's fast track appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is a children's fast track appeal.

(g) Completely Consolidated Civil Cases. In an appeal of completely consolidated civil cases where only one notice of appeal is filed, a copy of the consolidation order shall be attached to the notice of appeal.

[Official Note] Comment:

The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101 *et seq.*

The notice of appeal must include a statement that the order appealed from has been entered on the docket. **Because generally a separate notice of appeal must be filed on each docket on which an appealable order is entered so as to appeal from that order, see Pa.R.A.P. 902(a), the appellant is required to attach to the notice of appeal a copy of the docket entry showing the entry of the order appealed from on that docket.** The appellant does not need to certify that the order has been reduced to judgment. This omission

does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

[**Paragraph**] **Subdivision** (b)(2) provides the authority for an appellate court to initialize captions in custody appeals. *See also* Pa.R.C.P. 1915.10.

With respect to [**paragraph**] **subdivision** (e), in *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. The principle in *Dugger* has been incorporated in and superseded by Pa.R.A.P. 311(d). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006). Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, has been eliminated.

A party filing a cross-appeal should identify it as a cross-appeal in the notice of appeal to assure that the prothonotary will process the cross-appeal with the initial appeal. *See also* Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

A party appealing completely consolidated civil cases using one notice of appeal must attach a copy of the consolidation order to the notice of appeal to assure the applicability of Pa.R.A.P. 902.

**APPELLATE COURT PROCEDURAL RULES
COMMITTEE
ADOPTION REPORT**

**Amendment of Pa.R.A.P. 311, 313, 341,
512, 902, and 904**

On May 18, 2023, the Supreme Court of Pennsylvania adopted amendments to Rules of Appellate Procedure 311, 313, 341, 512, 902, and 904. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Committee undertook rulemaking to address the requirements that a separate notice of appeal be filed on each docket on which an appealable order is entered to appeal from that order in light of *Commonwealth v. Walker*, 185 A.3d 969 (Pa. 2018), *Always Busy Consulting, LLC v Babford & Co., Inc.*, 247 A.3d 1033 (Pa. 2021), and *Commonwealth v. Young*, 265 A.3d 462 (Pa. 2021).

In *Commonwealth v. Walker*, 185 A.3d 969 (Pa. 2018), the Supreme Court considered whether Pa.R.A.P. 341(a) ("an appeal may be taken from any final order of . . . a trial court") was satisfied when a single notice of appeal had been filed from an order deciding four motions to suppress evidence against four defendants docketed at four different docket numbers. Concluding that the rule text did not specifically address the matter, the Court considered the commentary to Pa.R.A.P. 341, which provided "a bright-line mandatory instruction to practitioners to file a separate notice of appeal." *Id.* at 976-77. Thereafter, the Court held that Pa.R.A.P. 341(a) requires "that when a single order resolves issues arising on more than one lower court docket, separate notices of appeal must be filed." *Id.* at 977.

Next, in *Always Busy Consulting, LLC v Babford & Co., Inc.*, 247 A.3d 1033 (Pa. 2021), the Supreme Court held

that the filing of a single notice of appeal from a single order entered at the lead docket number for consolidated civil matters was permissible and does not violate the holding in *Commonwealth v. Walker*. As such, *Always Busy Consulting* carved out an exception where *Walker* does not apply.

Finally, in *Commonwealth v. Young*, 265 A.3d 462 (Pa. 2021), the Supreme Court mitigated the result in *Walker* by clarifying that, under Pa.R.A.P. 902, an appellate court, in its discretion, has the authority to allow correction when an appellant does not file separate notices of appeal from a single order resolving issues on more than one docket:

Rule 341 requires that when a single order resolves issues arising on more than one docket, separate notices of appeal must be filed from that order at each docket; but, where a timely appeal is filed at only one docket, Rule 902 permits the appellate court, in its discretion, to allow correction of the error, where appropriate.

Id. at 477.

Following extensive review and consideration, the Committee recommended amendment of Pa.R.A.P. 902 as the appropriate repository for the requirements and guidance to comply with *Walker*, *Always Busy Consulting*, and *Young*. As a result, Pa.R.A.P. 902 has been subdivided into subdivision (a) and subdivision (b). Subdivision (a) sets forth the general requirements for taking an appeal, including the timely filing of a notice of appeal in the trial court at each docket in which the order has been entered. Subdivision (b) indicates the validity of a timely filed notice of appeal is not affected, but it may be subject to any action the appellate court deems appropriate to cure a procedural defect. However, an untimely notice of appeal cannot be cured in such a manner. *See also* Pa.R.A.P. 105(b) (appellate court may not enlarge the time for filing a notice of appeal).

The Comment accompanying Pa.R.A.P. 902 has also been revised. The commentary concerning subdivision (a) discusses *Walker* and *Always Busy Consulting* in terms of the need to file separate notices of appeal. *Young* is referenced in the commentary as a basis for subdivision (b). The Comment also includes statements that an appellant's failure to respond to an appellate court's directive to cure a defect may result in quashal and that an untimely notice of appeal will result in quashal. The Comments to Pa.R.A.P. 311, 313, 341, and 512 have also been revised to advise readers to consult Pa.R.A.P. 902.

Finally, amendments have been made to Pa.R.A.P. 904 regarding consolidated orders. Currently, subdivision (d) requires the attachment of docket entries to the notice of appeal. The Committee observed it would be helpful for the consolidation order from the trial court to be attached to the notice of appeal to make clear whether multiple notices of appeal are required in completely consolidated cases. New subdivision (g) has been added for this requirement.

Stylistic revisions to the text of each rule were also made.

The amendments become effective immediately.

The following commentary from Pa.R.A.P. 902 has been removed by this rulemaking:

Official Note: 42 Pa.C.S. § 703 (place and form of filing appeals) provides that appeals, petitions for review, petitions for permission to appeal and petitions for allow-

ance of appeal shall be filed in such office and in such form as may be prescribed by general rule.

This chapter represents a significant simplification of practice. In all appeals the appellant prepares two documents: (1) a simple notice of appeal, and (2) a proof of service. The notice of appeal is filed in the lower court and copies thereof, together with copies of the proof of service, are mailed and delivered to all who need to know of the appeal: other parties, lower court judge, official court reporter. The clerk of the trial court transmits one set of the filed papers to the appellate prothonotary (with the requisite filing fee). The appellate prothonotary notes the appellate docket number on the notice of appeal and may utilize photocopies of the marked-up notice of appeal to notify the parties, the lower court and Administrative Office of the fact of docketing. In an appeal to the Supreme Court, the appellant must also prepare, file and serve and the clerk of the trial court must transmit a jurisdictional statement as required by Rule 909.

The new procedure has a number of advantages: (1) the taking of the appeal is more certain in counties other than Dauphin, Philadelphia and Pittsburgh, because the appellant may toll the time for appeal by filing the notice of appeal in his local court house thereby eliminating the time lost in transmission of the appeal by mail; (2) the initial filing in the lower court raises an immediate caveat on the record before irreversible or undesirable action is taken on the faith of the judgment appealed from; (3) the immediate recording of the appeal below will simplify criminal appeal matters, e.g. by avoiding in certain cases the unnecessary holding and transfer of defendants between sentencing and perfecting an appeal; (4) the new procedure necessarily eliminates the "trap" of failure to perfect an appeal, since the notice of appeal is self-perfecting; and (5) the paper work of all parties and the appellate prothonotary is significantly reduced, since the preparation of the writ of certiorari and certain other papers is eliminated.

The 1986 revision to the last sentence of the rule indicates a change in approach to formal defects. The reference to dismissal of the appeal has been deleted in favor of a preference toward, remanding the matter to the lower court so that the omitted procedural step may be taken, thereby enabling the appellate court to reach the merits of the appeal. Nevertheless, dismissal of the appeal ultimately remains a possible alternative where counsel fails to take the necessary steps to correct the defect. *See Note to Rule 301* for examples of when an appeal may be remanded because an order has not been reduced to judgment or final decree and docketed.

[Pa.B. Doc. No. 23-724. Filed for public inspection June 2, 2023, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 500 AND 1000]

Proposed Amendment of Pa.R.Civ.P.M.D.J. 514, 515, 516, 521, 1005, 1006, 1007, 1008, 1011, 1013, and 1014

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amend-

ment of Pa.R.Civ.P.M.D.J. 514, 515, 516, 521, 1005, 1006, 1007, 1008, 1011, 1013, and 1014. The proposal provides for the service of a reissued order for possession and notice, in certain instances, ten days prior to (1) the striking of an appeal or writ of *certiorari* or (2) the termination of a *supersedeas*, 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 include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially 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:

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
minorrules@pacourts.us

All communications in reference to the proposal should be received by August 12, 2023. 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 Minor Court Rules Committee

HONORABLE DANIEL E. BUTLER,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.

* * * * *

[Official Note] Comment:

* * * * *

The separate entries provided in subdivision A are made necessary as a result of the rental deposit provisions for appeal or *certiorari* contained in [Rules 1008B and 1013B] Pa.R.Civ.P.M.D.J. 1008(b)-(c) and 1013(b)-(c), as well as the wage attachment provisions contained in [Section 8127 of the Judicial Code,] 42 Pa.C.S. § 8127.

* * * * *

Rule 515. Request for Order for Possession.

* * * * *

[Official Note] Comment:

The 15 days in subdivision A of this rule, when added to the 16-day period provided for in Rule 519A (Forcible Entry and Delivery of Possession), will give the tenant time to obtain a *supersedeas* within the appeal

period. See [Rules 1002, 1008, 1009, and 1013] Pa.R.Civ.P.M.D.J. 1002, 1008, 1009, and 1013 (pertaining to appeals and writs of *certiorari*).

* * * * *

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to [Pa.R.C.P. Nos. 1301—1314] Pa.R.Civ.P. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to [Rule 1008B] Rule 1008(b) and request an order of possession from the magisterial district judge pursuant to [Rule 515] subdivision A or B. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

The time limits in which the landlord must request an order for possession imposed in subdivision B apply only in cases arising out of residential leases and [in no way] do not affect the landlord’s ability to execute on the money judgment. See [Rule 516, Note] Pa.R.Civ.P.M.D.J. 516, cmt., and [Rule 521A] Pa.R.Civ.P.M.D.J. 521A (pertaining to issuance of an order for possession and execution by levy).

* * * * *

Rule 516. Issuance and Reissuance of Order for Possession; Service; Stay.

[A.] (a) Issuance of Order for Possession.

(1) General Rule. Upon the timely filing of the request for an order for possession form, the magisterial district judge shall issue the order for possession [and]. The order shall direct the officer executing it to deliver actual possession of the real property to the landlord. The magisterial district judge shall attach a copy of the request to the order for possession.

(2) Service. The magisterial district judge shall deliver [it] the order for possession for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. [The order shall direct the officer executing it to deliver actual possession of the real property to the landlord. The magisterial district judge shall attach a copy of the request form to the order for possession.] The officer shall serve the order pursuant to Pa.R.Civ.P.M.D.J. 517.

(3) Expiration. An order for possession shall not be executed more than 60 days after the date of issuance.

(4) Stay. An order for possession may be stayed pursuant to federal or state law, state court rule, or agreement of the parties.

[B.] (b) Reissuance of Order for Possession.

(1) **General Rule.** Except as otherwise provided in [subdivision C, upon written request of the landlord] subdivision (b)(4), the magisterial district judge shall reissue an order for possession for one additional 60-day period upon written request of the landlord.

(2) **Service.** A reissued order for possession shall be served on the tenant in accordance with subdivision (a)(2) and Pa.R.Civ.P.M.D.J. 517.

(3) Reissuance Following Stay.

(i) If an order for possession is [issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C] stayed pursuant to federal or state law, state court rule, or agreement of the parties, and

[(a) the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy or other stay is lifted; and

(c) the landlord wishes to proceed with the order for possession,] the stay is subsequently lifted, then the landlord [must] shall file with the magisterial district judge a written request for reissuance of the order for possession [in accordance with subdivision B(1)] pursuant to subdivision (b)(1). The landlord shall attach a copy of the court order or other documentation lifting the stay to the written request for reissuance of the order for possession.

(4) **Reissuance; Residential Lease.** [C. In a case arising out of] If the order for possession involves a residential lease, a written request for reissuance of an order for possession [may] shall be filed [within]:

(i) within 120 days of the date of the entry of the judgment; or[,]

(ii) [in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C] if the order for possession was stayed pursuant to federal or state law, state court rule, or agreement of the parties, then [only] within 120 days of the date [the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated or the bankruptcy or other] the stay is lifted.

[D. A written request for reissuance of the order for possession, filed after an appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or a bankruptcy or other stay is lifted, must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of *certiorari*, or *supersedeas*, or lifting the bankruptcy or other stay.]

[Official Note] Comment:

The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A landlord who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, pertaining to execution by levy, using the forms and procedure there prescribed. The reason for making

this distinction is that the printed notice requirements [on the two forms,] and the procedures involved in the two matters, differ widely.

As used in this rule, a stay includes the suspension of an action by an appeal, writ of *certiorari*, or *supersedeas*, a stay pursuant to a bankruptcy proceeding or other federal or state law, e.g., the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, or Rule 514.1C, pertaining to a domestic violence affidavit.

[Subdivision B] Subdivision (b)(1) provides for reissuance of the order for possession for one additional 60-day period. The additional 60-day period does not have to immediately follow the original 60-day period of issuance. However, pursuant to [subdivision C, in cases arising out of] subdivision (b)(3)(ii), if the order for possession involves a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is [issued and] subsequently [superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C] stayed pursuant to federal or state law, state court rule, or agreement of the parties, [only] within 120 days of the date [the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy or other] the stay is lifted. [The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance.] Subdivision (b)(3)(ii), establishing time limits to request reissuance of an order for possession in a case involving a residential lease, does not affect the landlord's ability to execute on the money judgment. See Pa.R.Civ.P.M.D.J. 521A.

The written request for reissuance may be in any form and may consist of a notation on the [permanent] file copy of the request for order for possession form retained in the records of the magisterial district court, "Reissuance of order for possession requested," subscribed by the landlord. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed _____ (time and date)." A [new form may] reissued order for possession shall be [used] produced by the magisterial district court upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. A reissued order for possession shall be served on the tenant pursuant to Rule 517 (Notation of Time of Receipt; Service of Order for Possession). See Pa.R.Civ.P.M.D.J. 516(b)(2). [However, there] There may be additional server costs for service of the reissued order for possession.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to [Pa.R.C.P. Nos. 1301—1314]

Pa.R.Civ.P. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 (**Appeal as *Supersedeas***) prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to [**Rule 1008B**] **Rule 1008(b)** and request an order of possession from the magisterial district judge pursuant to Rule 515, **pertaining to a request for order of possession.** If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

[**The time limits in which the landlord must request reissuance of an order for possession imposed in subdivision C apply only in cases arising out of residential leases and in no way affect the landlord's ability to execute on the money judgment. See Rule 521A.**]

Rule 521. Execution by Levy.

* * * * *

[**Official Note: See Rule 516, Note.**] **Comment:**

See Pa.R.Civ.P.M.D.J. 516, cmt.

CHAPTER 1000. APPEALS

APPEAL

Rule 1005. Service of Notice of Appeal and Other Papers.

[**A.**] **(a) Service of the Notice of Appeal.** The appellant shall, by personal service or by certified or registered mail, serve a copy of the notice of appeal upon the appellee and upon the magisterial district judge in whose office the judgment was rendered. If required by Rule 1004B to request a rule upon the appellee to file a complaint, the appellant shall also serve the rule by personal service or by certified or registered mail upon the appellee. The address of the appellee for the purpose of service shall be the address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office. If the appellee has an attorney of record named in the complaint form filed in the office of the magisterial district judge, the service upon the appellee may be made upon the attorney of record instead of upon the appellee personally.

[**B.**] **(b) Filing Copies of Proof of Service. Except as provided by Rule 1006(b)(4), [The] the** appellant shall file with the prothonotary proof of service of copies of the notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within [**10**] **ten** days after filing the notice of appeal.

[**C.**] **(c) Local Rule.** In lieu of service and proof of service pursuant to [**subdivisions A and B of this Rule**] **subdivisions (a) and (b),** the court of common pleas may, by local rule, permit or require that the appellant file with the notice of appeal a stamped envelope pre-addressed to the appellee at the address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of

that office, or the attorney of record, if any, of the appellee, and a stamped envelope pre-addressed to the magisterial district judge in whose office the judgment was rendered. Copies of the notice of appeal, and Rule pursuant to 1004B, if applicable, shall thereupon be mailed by the prothonotary or court by first class mail, with such service and any return being noted on the court's docket.

[**D.**] **(d) Service of Complaint.** The party filing a complaint under Rule 1004 shall [**forthwith**] **promptly** serve it upon the opposite party in the appeal by leaving a copy [**for**] **at** or mailing a copy to the address [**as shown in the magisterial district court records mentioned in subdivision A of this rule**] **in subdivision (a).** If the opposite party has an attorney of record either in the magisterial district court or court of common pleas proceeding, service upon the opposite party may be made upon the attorney of record instead of upon the opposite party personally.

[**E.**] **(e)** Service and proof of service may be made by attorney or other agent.

[**Official Note: Subdivision A**] **Comment:**

Subdivision (a) requires service of a copy of the notice of appeal upon the magisterial district judge as well as upon the appellee [,] or the appellee's attorney of record. The notice of appeal includes all documents filed with the prothonotary, including a domestic violence affidavit, if applicable. This copy, when received by the magisterial district judge, may operate as a *supersedeas* under Rule 1008.

[**As to subdivision B**] **In subdivision (b),** there is no return receipt requirement for service by certified or registered mail and consequently no such receipt need be filed with the prothonotary, although if service is by certified or registered mail, **then** the sender's receipt must be attached to the proof of service. **See [Rule 1001(7) and the fourth paragraph of the Note to Rule 1001] Pa.R.Civ.P.M.D.J. 1001(7), note.** The notice of appeal and the proof of service may be filed simultaneously. [**See also Rule 1006 and its Note**] **See Pa.R.Civ.P.M.D.J. 1006. If the appellant fails to file the proof of service required by subdivision (b), the appellee may file a praecipe to mark the appeal stricken from the record. See Pa.R.Civ.P.M.D.J. 1006(b). If the appellee files a praecipe to mark the appeal stricken from the record, the appellant may file the proof of service at any time prior to the appeal being marked stricken by the prothonotary. See Pa.R.Civ.P.M.D.J. 1006(b)(4).**

[**Subdivision C**] **Subdivision (c)** prescribes a pleading type of service, **not original process,** of the complaint, which may be made by ordinary mail, upon the opposite party in the appeal or the party's attorney of record.

(*Editor's Note:* Rule 1006 as printed in 246 Pa. Code reads "Official Note" rather than "Note.")

Rule 1006. Striking Appeal; **Notice.**

[**Upon failure of the appellant to comply with Rule 1004A or Rule 1005B, the prothonotary shall, upon praecipe of the appellee, mark the appeal stricken from the record. The court of common pleas may reinstate the appeal upon good cause shown.**]

(a) Failure to Comply with Rule 1004A. If the appellant fails to file a complaint as required by Rule 1004A, the appellee may file a praecipe with the prothonotary to mark the appeal stricken from the record.

(b) Failure to Comply with Rule 1005(b).

(1) Praecipe to Strike. If the appellant fails to file the proof of service with the prothonotary as required by Rule 1005(b), the appellee may file a praecipe with the prothonotary to mark the appeal stricken from the record subject to the notice requirement in subdivision (b)(2).

(2) Certification of Notice. The prothonotary shall not mark an appeal stricken pursuant to subdivision (b)(1) unless the praecipe includes a certification that a written notice of intention to file the praecipe was mailed or delivered to the appellant and the appellant's attorney of record, if any, at least ten days prior to the date of filing of the praecipe. The appellee shall attach a copy of the notice to the praecipe.

(3) Mailing Addresses.

(A) Appellant. The address of the appellant for the purpose of mailing shall be the address as listed on the notice of appeal filed with the prothonotary.

(B) Attorney of Record. The address of the attorney of record for the appellant, if represented, for the purpose of mailing shall be the address listed on the notice of appeal or, if unknown, in the records of the magisterial district court.

(4) Relief. The appellant may file the proof of service required by Rule 1005(b) at any time prior to the appeal being marked stricken by the prothonotary.

(5) The notice and certification required by this subdivision shall not be waived.

(c) Reinstatement of Appeal. The court of common pleas may reinstate an appeal terminated pursuant to subdivision (a) or (b) upon good cause shown.

[Note:] Comment:

This rule is intended to provide sanctions for failing to act within the time limits prescribed. See Pa.R.Civ.P.M.D.J. 1004A and 1005(b). A praecipe to mark the appeal stricken filed with the prothonotary before the expiration of the prescribed time limits is premature. See Pa.R.Civ.P.M.D.J. 203 (pertaining to computation of time).

While the appellant may file the proof of service with the prothonotary at any time prior to the appeal being stricken by the prothonotary, subdivision (b)(4) does not extend the time for service of the documents set forth in Rule 1005(b).

The notice required by subdivision (b)(2) may be mailed or hand delivered. Registered or certified mail is not required.

Rule 1007. Procedure on Appeal.

* * * * *

[Official Note: As under earlier law, the proceeding on appeal is conducted *de novo*, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the magisterial district judge (see *Crowell Office*

Equipment v. Krug, 247 A.2d 657 (Pa. Super. 1968)) has not been retained.] Comment:

Under subdivision B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the magisterial district judge, subject of course to the Rules of Civil Procedure. The only limitation on this is contained in subdivision C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342, pertaining to the failure of a judgment creditor to enter satisfaction, is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to [Pa.R.C.P. Nos. 1301—1314] Pa.R.Civ.P. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 (Appeal as *Supersedeas*) prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to [Rule 1008B] Rule 1008(b) and (c) and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

(Editor's Note: Rule 1008 as printed in 246 Pa. Code reads "Official Note" rather than "Note.")

Rule 1008. Appeal as *Supersedeas*.

[A.] (a) Receipt by the magisterial district judge of the copy of [the] a notice of appeal from the judgment shall operate as a *supersedeas*, except as provided in [subdivisions B and C of this rule] subdivisions (b) and (c).

[B.] (b) Appeal from Judgment for Possession of Real Property.

(1) **Tenant Escrow.** When a tenant appeals from a judgment for the possession of real property, receipt by the magisterial district judge of the copy of the notice of appeal shall operate as a *supersedeas* only if the tenant:

(i) at the time of filing the notice of appeal, deposits with the prothonotary **either** a sum of money [() or a bond, with surety approved by the prothonotary()], equal to the lesser of three months' rent or the rent actually in arrears on the date of the filing of the notice of appeal, based upon the [magisterial district judge's order of judgment,] judgment entered by the magisterial district judge; and [,]

(ii) thereafter, deposits [cash] **either a sum of money** or bond with the prothonotary [in a sum] equal to the monthly rent that becomes due during the period of time the proceedings upon appeal are pending in the court of common pleas [,]. [such additional] **Subsequent** deposits [to] **shall** be made within 30 days following the date of the appeal [,] and each successive 30-day period thereafter.

(2) Release of Escrow to Landlord. Upon the landlord's application [by the landlord], the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(3) Notation. When the deposit of money or bond is made pursuant to subdivision (b)(1)(i), the prothonotary shall make a notation upon the notice of appeal and its copies that it shall operate as a *supersedeas* when received by the magisterial district judge.

(4) Failure to Deposit Sums of Money or Bond.

(i) [In the event] **Notice of Default.** If the tenant fails to deposit the **required** sums of money[,] or bond[, **required by this rule**] when such deposits are due, [the prothonotary, upon *praecipe* filed by the landlord, shall terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record] **the landlord shall mail or hand-deliver notice to the attorney of record, or if a tenant is unrepresented, to the tenant's last known address of record, the following notice together with a certificate of service in the form set forth in subdivision (e).**

(ii) **Waiver.** The notice required by subdivision (b)(4)(i) shall not be waived.

(iii) **Relief.** The tenant may comply with subdivision (b)(1) at any time before the prothonotary terminates the *supersedeas*.

(iv) **Praecipe to Strike Supersedeas.** If the tenant fails to make the deposit required by subdivision (b) or (c) after ten days from the date of the notice or following any subsequent failure to make a deposit when due, the prothonotary shall terminate the *supersedeas* upon receipt of a *praecipe* by the landlord filed with the prothonotary together with a copy of the notice and certificate of service. Notice of the termination of the *supersedeas* shall be forwarded by the prothonotary by first class mail to the attorney of record, or, if a party is unrepresented, to the party's last known address of record.

[When the deposit of money or bond is made pursuant to the rule at the time of filing the appeal, the prothonotary shall make upon the notice of appeal and its copies a notation that it will operate as a *supersedeas* when received by the magisterial district judge.]

[C.] **(c) Indigent Tenants.**

(1) **Inability to Deposit Escrow.** Residential tenants who seek to appeal from a magisterial district court judgment for possession and who do not have the ability to [pay] **deposit** the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in [subdivision C(2)] **subdivision (c)(2).**

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

TENANT'S *SUPERSEDEAS* AFFIDAVIT

[(NON-SECTION 8)]

NON-HOUSING CHOICE VOUCHER PROGRAM PARTICIPATION

I, _____ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding to my landlord possession of real property that I occupy[, and]. I do not have the financial ability to [pay] **deposit** the lesser of three times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date SIGNATURE OF TENANT
OR
[Caption]

[SECTION 8] TENANT'S *SUPERSEDEAS* AFFIDAVIT
HOUSING CHOICE VOUCHER PROGRAM PARTICIPATION

I, _____ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding my landlord possession of real property that I occupy[, and]. I do not have the financial ability to [pay] **deposit** the lesser of three times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$ _____. I hereby certify that I am a participant in the [Section 8 program] **Housing Choice Voucher Program, also known as Section 8**, and I am not subject to a final (*i.e.*, non-appealable) decision of a court or government agency that terminates my right to receive [Section 8] **Housing Choice Voucher Program** assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date SIGNATURE OF TENANT
(3) **Deposit of Rent into Escrow.**

[(a)] (i) If the rent has already been paid to the landlord in the month in which the notice of appeal is filed, the tenant shall [pay] **deposit** into an escrow account with the prothonotary the monthly rent in 30-day intervals from the date the notice of appeal was filed; or

[(b)] (ii) If the rent has not been paid at the time of filing the notice of appeal, the tenant shall [pay] **deposit**:

[(i)] (A) at the time of filing the notice of appeal, a sum of money equal to [one third (1/3)] **one-third** of the monthly rent;

[ii] (B) an additional deposit of [two thirds (2/3)] **two-thirds** of the monthly rent within 20 days of filing the notice of appeal; and

[iii] (C) additional deposits of one month's rent in full each 30 days after filing the notice of appeal. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A, **pertaining to the contents of the magisterial district judge's judgment**. However, when the tenant is a participant in the [Section 8 program] **Housing Choice Voucher Program**, the tenant shall [pay] **deposit** the tenant share of the rent as set forth in the ["Section 8 Tenant's Supersedeas Affidavit"] **"Tenant's Supersedeas Affidavit, Housing Choice Voucher Program Participation"** filed by the tenant.

(4) **Instructions**. The prothonotary's office of the court of common pleas in which the appeal is taken shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the Forms page of the website of the Unified Judicial System of Pennsylvania at [www.pacourts.us] <https://www.pacourts.us>.

[**Note**: The Forms page is found on the home page of the Unified Judicial System of Pennsylvania at www.pacourts.us. The Supplemental Instructions include both instructions and income limits.

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.]

(5) **Issuance**. When the requirements of [subdivisions C(2)-(3)] **subdivisions (c)(2)-(3)** have been met, the prothonotary shall issue a *supersedeas*.

(6) **Release of Escrow Deposits to Landlord**. Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(7) **Failure to Make Monthly Deposits**. If the tenant fails to make monthly rent [payments] **deposits** to the prothonotary as described in [subdivision C(3)] (c)(3), [the *supersedeas* may be terminated by the prothonotary upon *praecipe* by the landlord or other party to the action. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record] **the landlord may initiate termination of the *supersedeas* in the manner set forth in subdivision (b)(4).**

(8) **Failure to Satisfy Conditions**. If the court of common pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the

terms and conditions of [subdivision C(1)] **subdivision (c)(1)** [, *supra*], the court may terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

[D.] (d) **Striking or Termination of Appeal**. If an appeal is stricken or voluntarily terminated, any *supersedeas* based on it shall terminate. The prothonotary shall [pay] **release** the deposits of [rental] **rent** to the landlord.

(e) **Form of Notice**. The notice required by subdivision (b)(4)(i) shall be in the following form:

(Caption)

IMPORTANT NOTICE

If you do not deposit with the prothonotary the sum of money or bond due pursuant to Pa.R.Civ.P.M.D.J. 1008(b) or (c) to maintain the *supersedeas* within ten days from the date of this Notice, a *praecipe* to strike the *supersedeas* will be filed with the prothonotary. If the *supersedeas* is stricken, the landlord may request reissuance of an order for possession from the magisterial district court and you may be ejected from the property.

No further notices will be provided related to this or any future failure to make the deposit when due.

If you have questions about hiring a lawyer or obtaining information about agencies that may offer legal services to eligible persons at a reduced fee or no fee, please contact your county bar association or legal services agency.

[**Note**: Subdivision A] **Comment**:

Subdivision (a) provides for an automatic *supersedeas* in appeals from civil actions upon receipt by the magisterial district judge of a copy of the notice of appeal. **The money judgment portion of a landlord and tenant judgment is governed by subdivision (a). See Pa.R.Civ.P.M.D.J. 514 and 521 (pertaining to the judgment and execution by levy).**

[Subdivision B] **Subdivisions (b) and (c)**, however, [does] require the deposit of money or approved bond as a condition for *supersedeas* when the appeal is from a judgment for the possession of real property. **If the tenant fails to make the deposit required by subdivision (b) or (c), the landlord may file a *praecipe* with the prothonotary to terminate the *supersedeas* after providing notice to the tenant as required by subdivision (b)(4). The *praecipe* for termination of the *supersedeas* filed with the prothonotary may state: "Please terminate the *supersedeas* in the within action for failure of the tenant to deposit monthly rent as required by Pa.R.Civ.P.M.D.J. 1008 when it became due and following notice of default dated _____" and shall be signed by the landlord. The prothonotary shall then note upon the *praecipe*: "Upon confirmation of failure of the tenant to deposit the monthly rent when it became due and certification of notice to the tenant, the *supersedeas* is terminated," and the prothonotary shall sign and docket the *praecipe*. The landlord may present a copy of the *praecipe* to the magisterial district judge who rendered the judgment and file a request for issuance of an order for possession pursuant to Rule 515.**

Subdivisions (b)(4) and (c)(7) require the landlord to include a certification in the *praecipe* that written notice of the landlord's intention to file the *praecipe* was given to the tenant at least ten days prior to filing the *praecipe*. The notice and certification of notice are not required if the landlord files a subsequent *praecipe* for a later failure to deposit money or an approved bond with the prothonotary as it becomes due. The notice required by subdivision (b)(4)(ii) and (c)(7) may be mailed or hand delivered. Registered or certified mail is not required.

[A new subdivision C was created in 2008 to provide for] Subdivision (c) governs appeals by indigent residential tenants who are unable to meet the bond requirements of [subdivision B] subdivision (b). The federal Housing Choice Voucher Program may also be known as "Section 8."

The supplemental instructions referenced in subdivision (c)(4) contain income limits. The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the United States Department of Health and Human Services.

[The request for termination of the *supersedeas*, upon the *praecipe* filed with the prothonotary, may simply state: "Please terminate the *supersedeas* in the within action for failure of the tenant to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1008 when it became due" and will be signed by the landlord. The prothonotary will then note upon the *praecipe*: "Upon confirmation of failure of the tenant to deposit the monthly rent when it became due, the *supersedeas* is terminated," and the prothonotary will sign and clock the *praecipe*. A copy of the *praecipe* may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under Pa.R.C.P.M.D.J. No. 515 may be made.]

The deposit of rent [required hereunder] is intended to apply in all cases, [irrespective] regardless of the reasons that caused the filing of the complaint before the magisterial district judge in the first instance. Unless previously released to the landlord pursuant to subdivision (b)(2) or (c)(6), [Disposition] disposition of the monthly rental deposits will be made by the court of common pleas following its *de novo* hearing of the matter on appeal.

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to [Pa.R.C.P. Nos. 1301—1314] Pa.R.Civ.P. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by [Rule 1008] subdivision (b) or (c) prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to [Rule 1008B] subdivision (b)(4) and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters

the arbitration award on the docket and the time that the landlord files a notice of appeal.

[The money judgment portion of a landlord and tenant judgment (see Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by subdivision A.]

(Editor's Note: Rule 1011 as printed in 246 Pa. Code reads "Official Note" rather than "Note.")

Rule 1011. Issuance and Service of Writ of [Certiorari] *Certiorari*.

[A.] (a) *Issuance by Prothonotary*. Upon receipt of [the *praecipe*] a *praecipe* for a writ of [certiorari] *certiorari*, the prothonotary shall issue and direct the writ [and direct it] to the magisterial district judge in whose office the record of the proceedings containing the judgment is filed. The writ shall be delivered for service to the party who filed the [*praecipe*] *praecipe*.

[B.] (b) *Service*. The party obtaining the writ shall serve it, by personal service or by certified or registered mail, upon the magisterial district judge to whom it was directed. In like manner, [he] the party obtaining the writ shall also serve a copy of the writ upon the opposite party. The address of the opposite party for the purpose of service shall be [his] the address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office. If the opposite party has an attorney of record named in the complaint form filed in the office of the magisterial district judge, the service upon the opposite party may be made upon the attorney of record instead of upon the opposite party personally.

[C.] (c) *Filing Copies of Proof of Service*.

(1) [If proof of service of the writ upon the magisterial district judge and the opposite party is not filed with the prothonotary within five (5) days after delivery of the writ for service, the prothonotary shall, upon *praecipe* of the opposite party, mark the writ stricken from the record and the writ shall not be reinstated nor shall any new writ issue.] *Proof of Service*. The party obtaining the writ shall file with the prothonotary proof of service of the writ upon the magisterial district judge and the opposite party within ten days after delivery of the writ for service.

(2) *Praecipe to Strike*. If the party obtaining the writ fails to file the proof of service with the prothonotary as required by subdivision (c)(1), the opposite party may file a *praecipe* with the prothonotary to mark the writ stricken from the record.

(3) *Certification of Notice*. The prothonotary shall not mark a writ stricken under this subdivision unless the *praecipe* includes a certification that a written notice of intention to file the *praecipe* was mailed or delivered to the party obtaining the writ and the party's attorney of record, if any, at least ten days prior to the date of filing of the *praecipe*. The opposite party shall attach a copy of the notice to the *praecipe*.

(4) *Mailing Addresses*.

(i) *Party Obtaining the Writ*. The address of the party obtaining the writ for the purpose of mailing the notice shall be the address as listed on the *praecipe* for a writ of *certiorari* filed with the prothonotary.

(ii) Attorney of Record. The address of the attorney of record for the party obtaining the writ, if represented, for the purpose of mailing the notice shall be the address listed on the *praecipe* for a writ of *certiorari* or, if unknown, in the records of the magisterial district court.

(5) Relief. The party obtaining the writ may file the proof of service required by subdivision (c)(1) at any time prior to the writ being marked stricken by the prothonotary.

(6) Waiver. The notice and certification required by this subdivision shall not be waived.

[D.] (d) Service and proof of service may be made by attorney or other agent.

(e) Reinstatement of Writ. The court of common pleas may reinstate a writ terminated pursuant to subdivision (c) upon good cause shown.

[Note:] Comment:

The provisions as to service of the writ parallel those for service of [notices] a notice of appeal. [Subdivision C] Subdivision (c) contains sanctions for failing to comply with the prescribed time limits [, and reinstatement of the writ or the issuance of a new one is not allowed]. A *praecipe* to mark the writ stricken filed with the prothonotary before the expiration of the prescribed time limits is premature. See Pa.R.Civ.P.M.D.J. 203 (pertaining to computation of time).

A writ of *certiorari* shall not be stricken for failing to file the required proof of service with the prothonotary unless the party obtaining the writ has received at least ten days notice of the opposite party's intention to strike the writ. See Pa.R.Civ.P.M.D.J. 1011(c)(3) (pertaining to certification of notice). While the party obtaining the writ may file the proof of service with the prothonotary at any time prior to the writ being stricken by the prothonotary, subdivision (e) does not extend the time for service of the writ set forth in subdivision (c)(1).

The notice required by subdivision (c)(3) may be served by mail or hand delivered. Registered or certified mail is not required.

(Editor's Note: Rule 1013 as printed in 246 Pa. Code reads "Official Note" rather than "Note.")

Rule 1013. Writ of *Certiorari* as *Supersedeas*.

[A.] (a) Receipt of [the] a writ of *certiorari* by the magisterial district judge to whom it was directed shall operate as a *supersedeas*, except as provided in [subdivisions B and C] subdivisions (b) and (c) of this rule.

[B.] (b) Writ of *Certiorari*; Possession of Real Property.

(1) Tenant Escrow. When a tenant obtains a writ of *certiorari* involving a judgment for the possession of real property, receipt of the writ by the magisterial district judge shall operate as a *supersedeas* only if the tenant [obtaining the writ]:

(i) at the time of filing the writ, deposits with the prothonotary either a sum of money [(] or a bond, with surety approved by the prothonotary [)], equal to the lesser of three months' rent or the rent actually in arrears on the date of the filing of the *praecipe* for writ of

certiorari ("praecipe"), [as determined by the] based upon the judgment entered by the magisterial district judge; and [,]

(ii) thereafter, deposits [cash] either a sum of money or bond with the prothonotary in a sum equal to the monthly rent that becomes due during the period of time the proceedings upon writ are pending in the court of common pleas [,], [such additional] Subsequent deposits [to] shall be made within 30 days following the date of the filing of the *praecipe* [,] and each successive 30-day period thereafter.

(2) Release of Escrow to Landlord. Upon the landlord's application [by the landlord], the court shall release appropriate sums from the escrow account on a continuing basis while the writ is pending and, if the writ is granted, while the ensuing proceeding is pending [(in the event the writ is granted) to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the writ and during the pendency of the ensuing proceeding (in the event the writ is granted)] to compensate the landlord for the tenant's actual possession and use of the premises.

(3) Notation. When the deposit of money or bond is made pursuant to subdivision (b)(1)(i) at the time of the filing of the *praecipe*, the prothonotary shall make a notation upon the writ and its copies that it shall operate as a *supersedeas* when received by the magisterial district judge.

(4) Failure to Deposit Sums of Money or Bond.

(i) [In the event that] Notice of Default. If the tenant filing the *praecipe* fails to deposit the required sums of money [,] or bond [, required by this rule] when such deposits are due, [the prothonotary, upon *praecipe* filed by the landlord, shall terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record] the landlord shall mail or hand-deliver notice to the attorney of record, or if a tenant is unrepresented, to the tenant's last known address of record, the following notice together with a certificate of service in the form set forth in subdivision (e).

(ii) Waiver. The notice required by subdivision (b)(4)(i) shall not be waived.

(iii) Relief. The tenant may comply with subdivision (b)(1) at any time before the prothonotary terminates the *supersedeas*.

(iv) Praecipe to Strike *Supersedeas*. If the tenant fails to make the deposit required by subdivision (b) or (c) after ten days from the date of the notice or following any subsequent failure to make a deposit when due, upon *praecipe* by the landlord filed with the prothonotary together with a copy of the notice and certificate of service, the prothonotary shall terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by the prothonotary by first class mail to the attorney of record, or, if a party is unrepresented, to the party's last known address of record.

[When the deposit of money or bond is made pursuant to this Rule at the time of the filing of the

***praecipe*, the prothonotary shall make upon the writ and its copies a notation that the writ will operate as a *supersedeas* when received by the magisterial district judge.]**

[C.] (c) *Indigent Tenants.*

(1) ***Inability to Deposit Escrow.*** Residential tenants who seek to file a *praecipe* involving a magisterial district court judgment for possession and who do not have the ability to [pay] **deposit** the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in [**subdivision B(2)] subdivision (c)(2).**

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

TENANT'S *SUPERSEDEAS* AFFIDAVIT
[(NON-SECTION 8)]

NON-HOUSING CHOICE VOUCHER PROGRAM PARTICIPATION

I, _____, (print name and address here), have filed a *praecipe* for a writ of *certiorari* to review a magisterial district court judgment awarding to my landlord possession of real property that I occupy[, and]. I do not have the financial ability to [pay] **deposit** the lesser of three times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the instructions for obtaining a stay pending issuance of a writ of *certiorari* and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date SIGNATURE OF TENANT
OR
[Caption]

[SECTION 8] TENANT'S *SUPERSEDEAS* AFFIDAVIT
HOUSING CHOICE VOUCHER PROGRAM PARTICIPATION

I, _____, (print name and address here), have filed a *praecipe* for a writ of *certiorari* to review a magisterial district court judgment awarding my landlord possession of real property that I occupy[, and]. I do not have the financial ability to [pay] **deposit** the lesser of three times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the Instructions for obtaining a stay pending issuance of writ of *certiorari* and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$ _____. I hereby certify that I am a participant in the [Section 8 program] **Housing Choice Voucher Program, also known as Section 8,**

and I am not subject to a final (*i.e.*, non-appealable) decision of a court or government agency that terminates my right to receive [Section 8] **Housing Choice Voucher Program** assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date SIGNATURE OF TENANT

(3) ***Deposit of Rent into Escrow.***

[(a)] (i) If the rent has already been paid to the landlord in the month in which the *praecipe* is filed, the tenant shall [pay] **deposit** into an escrow account with the prothonotary the monthly rent in 30-day intervals from the date the *praecipe* was filed; or

[(b)] (ii) If the rent has not been paid at the time of filing the *praecipe*, the tenant shall [pay] **deposit:**

[(i)] (A) at the time of filing the *praecipe*, a sum of money equal to [one third (1/3)] **one-third** of the monthly rent;

[(ii)] (B) an additional deposit of [two thirds (2/3)] **two-thirds** of the monthly rent within 20 days of filing the *praecipe*; and

[(iii)] (C) additional deposits of one month's rent in full each 30 days after filing the *praecipe*. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A, **pertaining to the contents of the magisterial district judge's judgment.** However, when the tenant is a participant in the [Section 8 program] **Housing Choice Voucher Program**, the tenant shall [pay] **deposit** the tenant share of the rent as set forth in the ["Section 8 Tenant's *Supersedeas* Affidavit"] **Tenant's *Supersedeas* Affidavit Housing Choice Voucher Program Participant** filed by the tenant.

(4) ***Instructions.*** The prothonotary's office of the court of common pleas in which the *praecipe* is filed shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the Forms page of the website of the Unified Judicial System of Pennsylvania at [www.pacourts.us] <https://www.pacourts.us>.

[**Note: The Forms page is found on the home page of the Unified Judicial System of Pennsylvania at www.pacourts.us. The Supplemental Instructions include both instructions and income limits.**

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.]

(5) ***Issuance.*** When the requirements of [**subdivisions C(2)-(3)] subdivisions (c)(2)-(3)** have been met, the prothonotary shall issue a *supersedeas*.

(6) ***Release of Escrow Deposits.*** Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the writ is pending and while the ensuing proceeding is pending (in the event the writ is granted) to compensate the landlord for the tenant's actual possession and use of

the premises during the pendency of the writ and during the pendency of the ensuing proceeding (in the event the writ is granted).

(7) **Failure to Deposit Sums of Money or Bond.** If the tenant fails to make monthly rent [**payments**] **deposits** to the prothonotary as described in [**subdivision C(3)**] **subdivision (c)(3)**, [**the *supersedeas* may be terminated by the prothonotary upon *praecipe* by the landlord or other party to the action. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record**] **the landlord may file a *praecipe* with the prothonotary to terminate the *supersedeas* in the manner set forth in subdivision (b)(4) of this rule.**

(8) **Failure to Satisfy Conditions.** If the court of common pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of [**subdivision C(1), *supra***] **subdivision (c)(1)**, the court may terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

[**D.**] (d) **Striking or Termination of Writ.** If a writ of *certiorari* is stricken, dismissed, or discontinued, any *supersedeas* based on it shall terminate. The prothonotary shall [**pay**] **release** the deposits of rental to the landlord.

(e) **Form of Notice.** The notice required by subdivision (b)(4)(i) shall be in the following form:

(Caption)

IMPORTANT NOTICE

If you do not deposit with the prothonotary the sum of money or bond due pursuant to Pa.R.Civ.P.M.D.J. 1013(b) or (c) to maintain the *supersedeas* within ten days from the date of this Notice, a *praecipe* to strike the *supersedeas* will be filed with the prothonotary. If the *supersedeas* is stricken, the landlord may request reissuance of an order for possession from the magisterial district court and you may be ejected from the property.

No further notices will be provided related to this or any future failure to a deposit when due.

If you have questions about hiring a lawyer or obtaining information about agencies that may offer legal services to eligible persons at a reduced fee or no fee, please contact your county bar association or legal services agency.

[**Note:**] **Comment:**

As in appeals [(see Pa.R.C.P.M.D.J. No. 1008)], *certiorari* operates as an automatic *supersedeas* in civil actions when the writ is received by the magisterial district judge. See Pa.R.Civ.P.M.D.J. 1008(a) (**pertaining to the appeal as *supersedeas***). **The money judgment portion of a landlord and tenant judgment is governed by subdivision (a). See Pa.R.Civ.P.M.D.J. 514 and 521 (Judgement; Notice of Judgment or Dismissal and the Right to Appeal; Execution by Levy).**

If the writ involves a judgment for the possession of real property, however, it will operate as a *supersedeas* upon receipt by the magisterial district judge only if money is paid or a bond is filed conditioned as stated in [**the rule**] **subdivision (b) or (c)**. [**This Rule has been amended to require a payment equal to the lesser of three months' rent or the rent actually in arrears in order for the writ involving a judgment for the possession of real property to act as a *supersedeas* to ensure consistency between this Rule and Pa.R.C.P.M.D.J. No. 1008 (Appeal as *Supersedeas*).**] **If the tenant fails to make the deposit required by subdivision (b) or (c), the landlord may file a *praecipe* with the prothonotary to terminate the *supersedeas* after providing notice to the tenant as required by subdivision (b)(4). The *praecipe* for termination of the *supersedeas* may state: "Please terminate the *supersedeas* in the within action for failure of the tenant to deposit monthly rent as required by Pa.R.Civ.P.M.D.J. 1013 when it became due and following notice of default dated _____" and shall be signed by the landlord. The prothonotary shall then note upon the *praecipe*: "Upon confirmation of failure of the tenant to deposit the monthly rent when it became due and certification of notice to the tenant, the *supersedeas* is terminated," and the prothonotary shall sign and docket the *praecipe*. The landlord may present a copy of the *praecipe* to the magisterial district judge who rendered the judgment and file a request for issuance of an order for possession pursuant to Rule 515.**

Subdivisions (b)(4) and (c)(7) require the landlord to include a certification in the *praecipe* that written notice of the landlord's intention to file the *praecipe* was given to the tenant at least ten days prior to filing the *praecipe*. The notice and certification of notice are not required if the landlord files a subsequent *praecipe* for a later failure to deposit money or an approved bond with the prothonotary as it becomes due. The notice required by subdivisions (b)(4) and (c)(7) may be mailed or hand delivered. Registered or certified mail is not required.

[**A new subdivision C was created in 2008 to provide**] **Subdivision (c) provides a *praecipe* for writ of *certiorari* process for indigent residential tenants who are unable to meet the bond requirements of [subdivision B] subdivision (b). The federal Housing Choice Voucher Program may also be known as "Section 8".**

The "Supplemental Instructions" referenced in subdivision (c)(4) contain income limits. The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the United States Department of Health and Human Services.

[**The request for termination of the *supersedeas*, upon the *praecipe* filed with the prothonotary, may simply state: "Please terminate the *supersedeas* in the within action for failure of the tenant to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1013 when it became due" and will be signed by landlord. The prothonotary will then note upon the *praecipe*: "Upon confirmation of failure of the tenant to deposit the monthly rent when it became due the *supersedeas* is terminated," and the protho-**

tary will sign and clock the *praecipe*. A copy of the *praecipe* may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under Pa.R.C.P.M.D.J. No. 515 may be made.

The money judgment portion of a landlord and tenant judgment (see Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by subdivision A of this rule.]

* * * * *

Rule 1014. Orders of Court in [*Certiorari*] *Certiorari* Proceedings.

[A.] (a) If the court of common pleas finds in favor of the party obtaining the writ, it shall enter an order [that] **setting aside** the judgment is set aside without prejudice to the cause of action.

[B.] (b) If the court of common pleas finds against the party obtaining the writ, it shall enter an order [that] **dismissing** the writ [is dismissed].

[**Official Note:** Subdivision A states the rule that if the court finds in favor of the party obtaining the writ, it merely sets the judgment below aside without prejudice to the cause of action.] **Comment:**

The grounds for [*certiorari*] *certiorari* do not go to the merits of the case but only to matters that usually can be cured by later selecting a proper tribunal. See *Statler v. Alexander Film Co.*, [21 D & C 512 (1934)] **21 D. & C. 512 (Westmoreland 1934)**.

[**Subdivision B**] **Subdivision (b)** provides for dismissal of the writ if the finding is against the party obtaining it. This leaves the judgment below in full force and effect. See [**Rule 1013C**] **Pa.R.Civ.P.M.D.J. 1013(d)**.

SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee
PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P.M.D.J. 514, 515, 516, 521, 1005, 1006, 1007, 1008, 1011, 1013, and 1014

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 514, 515, 516, 521, 1005, 1006, 1007, 1008, 1011, 1013, and 1014 providing for: (1) the service of a reissued order for possession; and (2) the provision of notice ten days prior to certain requests for court actions relating to appeals and writs of *certiorari*. The proposal encompasses both matters due to overlap between some of the rules.

Service of a Reissued Order for Possession

The Committee was asked to examine whether Pa.R.Civ.P.M.D.J. 516, pertaining to issuance and reissuance of orders for possession, should be amended to explicitly require the service of a reissued order for possession upon a tenant. Currently, an order for possession expires after 60 days. See Pa.R.Civ.P.M.D.J. 519C (pertaining to forcible entry and delivery of possession to the landlord). The order may be reissued for one additional 60-day period. See Pa.R.Civ.P.M.D.J. 516(B). Rule 516 contains additional provisions relating to the reissue of an order for possession following the striking, dismissal, termination, or lifting of an appeal, writ of *certiorari*, *supersedeas*, or bankruptcy or other stay.

While Rule 516 references the reissuance of an order for possession, it does not directly require service of the reissued order. Instead, the comment to Rule 516 alludes to service of a reissued order, noting “there may be additional server costs for service of the reissued order for possession.” See Pa.R.Civ.P.M.D.J. 516, cmt. It could be argued that Rule 517, pertaining to service of the order for possession, does not distinguish between original and reissued orders for possession, and, therefore, one should not be inferred. However, the Committee was advised that, in some instances, there has been confusion whether a reissued order for possession must be served pursuant to Rule 517, including after the lifting of various pandemic-related eviction moratoria and the subsequent reissuance of orders for possession.

The Committee believes service of a reissued order for possession is critical to advise the tenant that he or she is under time constraints to either vacate the property or pursue other legal remedies. To clarify that service of the reissued order is required in all instances, the Committee is considering proposing an amendment to Rule 516: “A reissued order for possession shall be served on the tenant in accordance with subdivision (a)(2) and Pa.R.Civ.P.M.D.J. 517.” See proposed Pa.R.Civ.P.M.D.J. 516(b)(2).

The Committee is also considering proposing the reorganization and restyling of Rule 516, including amendments intended to enhance clarity. The proposal also includes corollary amendments to the comment of Rule 521.

Notice to Tenant Prior to Striking an Appeal or Terminating a Supersedeas

The Committee was asked to consider whether there should be a statewide rule requiring the provision of notice to a tenant that the landlord is intending to: (1) file a *praecipe* to strike an appeal or writ of *certiorari* pursuant to Rule 1006 or 1011; or (2) terminate a *supersedeas* for failure to comply with Rule 1008 or 1013, requiring the deposit of sums of money or a bond with the prothonotary.

Currently, an appellee may file a *praecipe* with the prothonotary to mark an appeal or writ of *certiorari* stricken if the appellant fails to timely file a complaint or a certificate of service of the notice of appeal or the writ. See Pa.R.Civ.P.M.D.J. 1006(b)(1), 1011(c)(2). A landlord may also file a *praecipe* to terminate a *supersedeas* when the tenant has failed to make a timely escrow deposit. See Pa.R.Civ.P.M.D.J. 1008(b)(4), 1013(b)(4). No advance or concurrent notice is given to the appellant or tenant that the landlord is taking such action. Moreover, these terminations are immediate upon action by the prothonotary. See, e.g., Pa.R.Civ.P.M.D.J. 1006, 1008(b) (pertaining to striking an appeal or *supersedeas*). The tenant’s first notice that the *supersedeas* is terminated could be the service or posting of the order for possession. See Pa.R.Civ.P.M.D.J. 517 (Notation of Time of Receipt; Service of Order for Possession).

It was suggested to the Committee that this lack of notice and opportunity to cure has the potential to result in overly harsh consequences to the appellant. The Committee considered whether a procedure akin to the ten-day advance notice required by Pa.R.Civ.P. 237.1, pertaining to advance notice of intention to file a *praecipe* for entry of judgment for failure to file a complaint or by default for failure to plead, might provide an appropriate remedy. Additionally, the Committee notes Allegheny

County has a requirement for a ten-day notice prior to terminating a *supersedeas* for tenant's failure to make a timely escrow deposit.

Pa.R.Civ.P.M.D.J. 1006 and 1011 (Failure to File Complaint or Proof of Service): The rules provide two scenarios when an appeal or writ of *certiorari* can be stricken. First, if the appellant fails to file a complaint as required by Rule 1004A, the appellee may file a *praecipe* with the prothonotary to mark the appeal stricken from the record. See Pa.R.Civ.P.M.D.J. 1006(a). However, the Committee does not propose substantively amending subdivision (a) to require advance notice of the intent to strike the appeal for failure to file a complaint. This decision reflects the Committee's determination that the appellant should not be relieved of the responsibility to advance the action after initiating the appeal.

The second basis for marking the appeal or writ stricken relates to failure of a party to file proof of service with the prothonotary within the prescribed time. Rule 1005(b) requires the appellant to file with the prothonotary "proof of service of copies of the notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within ten days after filing the notice of appeal." Similarly, if the party seeking a writ of *certiorari* fails to file proof of service of the writ upon the opposite party within the prescribed time, the opposite party may file a *praecipe* with the prothonotary to mark the writ stricken. See proposed Pa.R.Civ.P.M.D.J. 1011(c)(1).

Currently, if a party files a notice of appeal or *praecipe* for a writ of *certiorari* that is served in a timely manner, but then fails to file the proof of service with the prothonotary as required by Rules 1005B and 1011(1), the opposite party could file a *praecipe* with the prothonotary to mark the appeal or writ stricken from the record. The Committee viewed this consequence as disproportionately punitive if the appellant otherwise filed and served the appeal or *praecipe* for a writ of *certiorari* in a timely manner. Therefore, the Committee is considering recommending an amendment to Rule 1006(b) and 1011(c) requiring the requesting party to give at least ten days advance notice of the intention to strike the appeal or writ for failure to file the proof of service. Proposed Rules 1006 and 1011 would not give the appellant additional time to serve the notice of appeal or a rule upon the appellee to file a complaint. See proposed Pa.R.Civ.P.M.D.J. 1006, cmt. and Pa.R.Civ.P.M.D.J. 1011, cmt. However, it would afford the delinquent party the opportunity to cure the failure to timely file the proof of service with the prothonotary up to the point the requesting party files the *praecipe* to strike with the prothonotary.

The Committee observes a difference in the allotted time for filing the proof of service for an appeal and a writ. Comparing current Rule 1005B and Rule 1011C, one observes the time prescribed for filing the proof of service for an appeal is ten days, while it is five days for filing the proof of service for a writ. An explanatory comment to Rule 1005 provides: "Rule 1005B extends the time for filing a proof of service of the notice of appeal from [five] days to [ten] days. The extension was qualified on the premise that the [five] day provision presents insurmountable problems to out-of-town counsel who file and serve by mail." Insofar as the "insurmountable problems" would also exist for out-of-town counsel relative to service of a writ of *certiorari*, the Committee is considering proposing the amendment of Rule 1011(c) to achieve consistency in the proof of service filing requirements for an appeal and writ.

Pa.R.Civ.P.M.D.J. 1008 and 1013: Rules 1008 and 1013 requires a tenant appealing or seeking a writ relating a landlord-tenant judgment to deposit a sum of money or a bond for the notice of appeal or writ to operate as a *supersedeas*. See Pa.R.Civ.P.M.D.J. 1008(b)(1), 1013(b)(1). Subsequent deposits are required within 30 days following the date of the appeal and each successive 30-day period thereafter. *Id.* If the tenant fails to make a deposit when due, the landlord may file a *praecipe* with the prothonotary to terminate the *supersedeas*. See Pa.R.Civ.P.M.D.J. 1008(b)(4), 1013(b)(4). Upon termination of the *supersedeas*, the landlord may present it to the magisterial district judge who entered the judgment and request the issuance of an order for possession under Pa.R.Civ.P.M.D.J. 515. See Pa.R.Civ.P.M.D.J. 1008, cmt. and Pa.R.Civ.P.M.D.J. 1013, cmt. Subdivision (c) of Rules 1008 and 1013 provides modified *supersedeas* provisions for tenants who do not have the ability to make the deposit required by subdivision (b).

The Committee discussed reasons why a tenant might not make a *supersedeas* deposit on time, e.g., a lack of funds or confusion over the due date. The Committee also heard anecdotally of instances when a tenant has made a timely *supersedeas* deposit to the prothonotary but it is not properly credited to the tenant. In these scenarios, the tenant would not be advised he or she is in default or that the prothonotary has terminated the *supersedeas*. The tenant's first notice of the deficiency and striking of the *supersedeas* could be receipt of the order for possession by personal service or posting.

Given the serious consequences for failing to make a timely *supersedeas* deposit, i.e., eviction from housing, the Committee considered whether requiring the landlord to give the tenant advance notice of his or her intent to terminate the *supersedeas* would be a constructive change. The Committee did not view the requirement for the landlord to provide advanced notice of intent to terminate the *supersedeas* as disproportionate to the relief sought. The courts of common pleas require a ten-day notice of intention to seek a default judgment for failure to file a complaint or failure to plead. See Pa.R.Civ.P. 237.1. Moreover, if the landlord provides a ten-day notice before striking the *supersedeas*, it will give the tenant the opportunity to determine if he or she made an error in calculating the due date or if there was an error in the application of the deposit before the eviction process begins. Even if the *supersedeas* is ultimately stricken, the tenant will have additional time to seek legal relief or make other housing arrangements and transport their property.

The Committee contemplated whether requiring a ten-day notice to the tenant before striking the *supersedeas* for failure to make a timely escrow deposit could be burdensome to the landlord if the tenant continually waited to receive notice before making the overdue deposit. Therefore, the Committee is considering proposing that a ten-day notice is only required upon the first default by the tenant. In the event of a subsequent default, the landlord would not be required to provide the advance notice. After receiving the first notice, the tenant should be vigilant of the need to monitor closely the *supersedeas* deposit due date, as well as application of deposits by the prothonotary to the tenant's account. A proposed form of notice is set forth in proposed Rules Pa.R.Civ.P. 1008(e) and 1013(e).

The Committee is also considering recommending updates to the federal housing assistance program formerly known as “Section 8” to its current name, “Housing Choice Voucher Program.” See proposed Pa.R.Civ.P.M.D.J. 1008(c), 1013(c). Such a change would warrant corollary changes to the “Supplemental Instructions for Obtaining a Stay of Eviction” set forth on the home page of the Unified Judicial System of Pennsylvania at www.pacourts.us. Any revisions to the income limits contained within the Supplemental Instructions will be the subject of separate Committee review and the Committee does not seek input on the income limits at this time.

The Committee is also considering proposing the reorganization and restyling of Rules 1006, 1008, 1011, and 1013, as well as corollary amendments to the comments to Rules 514, 515, 1005, 1007, and 1014.

* * * * *

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.

[Pa.B. Doc. No. 23-725. Filed for public inspection June 2, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16 AND 18]

Naturopathic Doctors; Advance Notice of Final Rulemaking

The State Board of Medicine (Board) is publishing an advance notice of final rulemaking (ANFR) seeking additional comment regarding key terms and definitions and corresponding amendments incorporating the key terms, as well as amendments to address clarity and lack of ambiguity. The proposed rulemaking was published at 51 Pa.B. 7877 (December 18, 2021).

Statutory Authority

The Naturopathic Doctor Registration Act (NDRA) (63 P.S. §§ 272.101—272.301), specifically, section 207 of the NDRA (63 P.S. § 272.207), provides that “[t]he board shall enforce and administer the provisions of this act and shall promulgate regulations that are consistent with the intent of this act.”

Background and Summary

The Board published this proposed rulemaking on December 18, 2021, seeking to provide the regulatory provisions necessary to implement the NDRA. The Board entertained public comment for 30 days and received comments from multiple perspectives, including naturopathic doctors, patients and State and local naturopathic doctor associations. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC), as well as a legislative comment from the Honorable Senator Doug Mastriano.

The comments submitted by IRRC offer several suggestions as to the manner in which the proposed regulation could be amended to provide clarity and cure ambiguity, as well as eliminate non-regulatory language. Additionally, the comments submitted by IRRC suggest several key terms, if left undefined, would fail to provide an administrable and enforceable regulatory scheme. IRRC further commented that this lack of clarity would inhibit compliance by the regulated community. Specifically, IRRC seeks a definition of “naturopathic medicine,” “commercial activity,” “naturopathic evaluation,” “naturopathic service,” “naturopath or traditional naturopath,” “naturopathy,” “natural substances,” “naturopathic substances,” “naturopathic plan of service,” “service regimen” and “purveyors of merchandise or services.”

The Board reviewed these comments, among others, and concluded that the NDRA, by authorizing the Board to impose discipline when a naturopathic doctor provides a medical service below the standard of care, and further authorizing the Board to define the accepted standard of care, contains the requisite statutory authority for the Board to define several of the key terms for purposes of establishing the standard of care. Consequently, the Board is adding additional terms and definitions to the definition section, as well as corresponding ancillary amendments. The key terms being defined are: “naturopathic medicine” (relating to use of naturopathic physical medicine, natural therapies or counseling), “naturopathic physical medicine” (relating to use of physi-

cal agents and modalities), “naturopathic service” (relating to providing or performing naturopathic physical medicine, natural therapies or counseling) and “natural therapies” (relating to treatment utilizing plant, mineral or fungal derived active ingredients). In addition, the Board determined the terms “commercial activity” and “purveyor of merchandise or services” could be replaced with the term “marketing activity” (relating to a communication about a service or merchandise), thereby providing clarity that may have been lacking.

The Board is also amending the draft final-form rulemaking to address several other concerns of IRRC, including amending non-regulatory language and providing language evidencing the intent of the Board as it relates to financial disclosures. An additional amendment is being made to clarify a naturopathic doctor’s duties beyond the specific list contained in the section relating to ethics.

Contact Person, Availability of Final Regulations and Submission of Comments

The Board will accept comments by mail as well as comments transmitted by means of e-mail on the draft final-form rulemaking. Comments will not be accepted by facsimile, telephone or voicemail. Comments sent by e-mail must include the following in the subject field of the transmission: “Comments on 16A-4953—Naturopathic Doctors ANFR.” Comments submitted by mail as well as written comments must include the commenter’s name and address. Written comments must be received by the Board within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. To request a copy of the draft final-form rulemaking or to provide a comment, contact Shana M. Walter, Board Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-5923 or RA-STRegulatoryCounsel@pa.gov.

MARK B. WOODLAND, MS, MD,

Chairperson

[Pa.B. Doc. No. 23-726. Filed for public inspection June 2, 2023, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 18]

Application for Temporary Graduate Perfusionist License

The State Board of Medicine (Board) amends § 18.604 (relating to application for temporary graduate perfusionist license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

By the act of November 2, 2016 (P.L. 973, No. 119) (Act 119 of 2016), section 13.3(h)(1) of the Medical Practice Act of 1985 (act) (63 P.S. § 422.13c(h)(1)) was amended to delete the provision which provided that a temporary

graduate perfusionist license expires immediately upon notice that the license holder has failed the examination required for licensure. Section 8 of the act (63 P.S. § 422.8) authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the act. The Board adopts this final-omitted rulemaking to conform its existing regulation to the new statutory provision.

Background and Purpose

To qualify for licensure as a perfusionist in this Commonwealth, an applicant must hold current National certification from the American Board of Cardiovascular Perfusion (ABCP). To obtain National certification, an individual must have successfully completed the ABCP certification examination. The certification examination consists of two parts: the Perfusion Basic Science Examination (PBSE) and the Clinical Applications in Perfusion Examination (CAPE). The ABCP places no limits on the number of times an individual may take the PBSE or CAPE. Graduates of perfusion education programs are eligible to sit for the PBSE. Graduates of perfusion education programs who have completed at least 40 independent perfusions may sit for the CAPE.

The Board may issue a temporary graduate license to practice perfusion to an individual who has graduated from an educational program, which allows the graduate to practice perfusion under direct supervision of a licensed perfusionist. 63 P.S. § 422.13c(h). The temporary permit allows individuals to complete the experiential requirement that is prerequisite to taking the CAPE.

Prior to Act 119 of 2016, the act required that “the [temporary graduate] license shall expire immediately upon notice that the individual has failed the required examination under this act.” Id. at 63 P.S. § 422.13c(h)(1)(iv). The practical effect of this provision was that a graduate perfusionist license holder only had one opportunity to take and pass the perfusion examination. Examination failure was near-catastrophic to the career of a perfusionist candidate in this Commonwealth. The graduate license holder would typically lose their job at a hospital because the graduate license expired “immediately upon notice that the individual has failed the required examination under this act.” Id.

To conform the Commonwealth’s requirements to National standards, the General Assembly enacted Act 119 of 2016 to delete the provision that made the temporary license expire if the license-holder failed the PBSE or CAPE.

The Board’s existing regulation at 49 Pa. Code § 18.604(e) reflects the outdated and repealed provision requiring immediate expiration of the temporary graduate perfusionist license. Section 18.604(e) must be amended to reflect Act 119 of 2016. The Board has determined that this amendment is necessary to align the Board’s regulations with the self-executing provisions of Act 119 of 2016.

Omission of Proposed Rulemaking

Under section 204 of the Commonwealth Documents Law (CDL) (45 P.S. § 1204), the Board is authorized to omit the procedures for a proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the Board finds that the specified procedures are impracticable, unnecessary or contrary to the public interest. The Board has determined that publication of a proposed rulemaking is unnecessary under the circumstances because Act 119 of 2016 requires the Board to amend its regulations to conform to the statutory amendment. The Board is thus promulgating this regulation as a final-

omitted rulemaking under the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14), with notice of proposed rulemaking omitted under section 204 of the CDL.

Description of Amendments

Act 119 of 2016 deleted the existing statutory provision which provided: “The license shall expire immediately upon notice that the individual has failed the required examination under this act.” The Board amends § 18.604 by deleting subsection (e) to conform the regulation with the statutory amendment. Subsection (e) provides that “A temporary graduate perfusionist license expires upon notice to the Board that the holder has failed the Nationally-recognized certifying agency’s certification examination. The holder of a temporary graduate perfusionist license who fails the examination shall immediately cease practicing and return the license to the Board.”

Fiscal Impact and Paperwork Requirements

There is no fiscal impact and no paperwork requirements associated with this final-omitted rulemaking, which conforms the Board’s regulations to current statutory provisions.

Regulatory Review

Under section 5.1(c) of the RRA (71 P.S. § 745.5a(c)), on March 30, 2023, the Board submitted copies of the final-omitted rulemaking, with a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SPC/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the Board submitted a copy of the final-omitted rulemaking to the Office of Attorney General under section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

Under section 5.1(e) and (j.2) of the RRA (71 P.S. § 745.5a(e) and (j.2)), on May 17, 2023, the final-omitted rulemaking was deemed approved by the SPC/PLC and the HPLC. Under section 5.1(e) of the RRA, IRRC met on May 18, 2023, and approved the final-omitted rulemaking. OAG approved the final-omitted rulemaking on April 24, 2023.

Additional Information

For additional information about the amendment, submit inquires to Shana M. Walter, Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523, or by e-mail to RA-STRegulatoryCounsel@pa.gov.

Findings

The Board finds that:

(1) Public notice of the Board’s intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been properly omitted for good cause under section 204 of the CDL because public comment is unnecessary given that the amendments adopted by this order are required to conform to the amendments to the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53).

(2) The amendment of the Board’s regulations in the manner provided in this order is necessary and appropriate for the administration of the Medical Practice Act of 1985.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 18, are amended by amending § 18.604 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall submit this order and Annex A to IRRC, SPC/PLC and the HPLC as required by law.

(d) The Board shall certify this order and Annex and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect upon notice or publication in the *Pennsylvania Bulletin*.

MARK B. WOODLAND, MS, MD,
Chairperson

(Editor's Note: See 53 Pa.B. 3055 (June 3, 2023), for IRRC's approval order.)

Fiscal Note: 16A-4954. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter J. PERFUSIONISTS

§ 18.604. Application for temporary graduate perfusionist license.

(a) An applicant for a temporary graduate perfusionist license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 16.13(l) (relating to licensure, certification, examination and registration fees) for an application for a temporary graduate perfusionist license.

(b) The Board may grant a temporary graduate perfusionist license, which authorizes the license holder to practice only under the supervision and direction of a perfusionist licensed under the act, to an applicant who:

(1) Demonstrates that the applicant is eligible for and has applied to sit for the examination of a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P.S. § 422.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for a temporary graduate perfusionist license upon the grounds for disciplinary action in § 18.609 (relating to disciplinary action for licensed perfusionists).

(d) A temporary graduate perfusionist license expires 2 years after the date of the issuance and may not be renewed.

(e) [Reserved].

[Pa.B. Doc. No. 23-727. Filed for public inspection June 2, 2023, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

Application for Temporary Graduate Perfusionist License

The State Board of Osteopathic Medicine (Board) amends § 25.804 (relating to application for temporary graduate perfusionist license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

By Act 120 of November 2, 2016 (P.L. 974, No. 120) (Act 120 of 2016), section 13.3(h) of the Osteopathic Medical Practice Act (act) (63 P.S. § 271.13c(h)), was amended to delete the provision which provided that a temporary graduate perfusionist license expires immediately upon notice that the license holder has failed the examination required for licensure. Section 16 of the act (63 P.S. § 271.16) authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the act. The Board adopts this final-omitted rulemaking to conform its existing regulation to the new statutory provision.

Background and Purpose

To qualify for licensure as a perfusionist in this Commonwealth, an applicant must hold current National certification from the American Board of Cardiovascular Perfusion (ABCP). To obtain National certification, an individual must have successfully completed the ABCP certification examination. The certification examination consists of two parts: the Perfusion Basic Science Examination (PBSE) and the Clinical Applications in Perfusion Examination (CAPE). The ABCP places no limits on the number of times an individual may take the PBSE or CAPE. Graduates of perfusion education programs are eligible to sit for the PBSE. Graduates of perfusion education programs who have completed at least 40 independent perfusions may sit for the CAPE. Graduates of perfusion education programs are eligible to sit for the PBSE. Graduates of perfusion education programs who have completed at least 40 independent perfusions may sit for the CAPE.

The Board may issue a temporary graduate license to practice perfusion to an individual who has graduated from an educational program, which allows the graduate to practice perfusion under direct supervision of a licensed perfusionist. 63 P.S. § 271.13c(h)(2). The temporary permit allows individuals to complete the experiential requirement that is prerequisite to taking the CAPE.

Prior to Act 120 of 2016, the act required that “the [temporary graduate] license shall expire immediately upon notice that the individual has failed the required examination under this act.” Id. at 63 P.S. § 271.13c(h)(2). The practical effect of this provision was that a graduate perfusionist license holder only had one opportunity to take and pass the perfusion examination. Examination failure was near-catastrophic to the career of a perfusionist candidate in this Commonwealth. The graduate license holder would typically lose their job at a hospital because the graduate license expired “immediately upon notice that the individual has failed the required examination under this act.” Id.

To conform the Commonwealth’s requirements to National standards, the General Assembly enacted Act 120 of 2016 to delete the provision which provided that the temporary license would expire if the license-holder failed the PBSE or CAPE. The Board must now conform its regulations to the statute.

The Board’s existing regulation at 49 Pa. Code § 25.804(e) reflects the outdated and repealed provision requiring immediate expiration of the temporary graduate perfusionist license. Section 25.804(e) must be amended to reflect Act 120 of 2016. The Board has determined that this amendment is necessary to align the Board’s regulations with the self-executing provisions of Act 120 of 2016.

Omission of Proposed Rulemaking

Under section 204 of the Commonwealth Documents Law (CDL) (45 P.S. § 1204) the Board is authorized to omit the procedures for a proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the Board finds that the specified procedures are impracticable, unnecessary or contrary to the public interest. The Board has determined that publication of a proposed rulemaking is unnecessary under the circumstances because Act 120 of 2016 requires the Board to amend its regulations to conform to the statutory amendment. The Board is thus promulgating this regulation as a final-omitted rulemaking under the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14), with notice of proposed rulemaking omitted under section 204 of the CDL.

Description of Amendment

Act 120 of 2016 deleted the existing statutory provision which provided: “The license shall expire immediately upon notice that the individual has failed the required examination under this act.” The Board amends § 25.804 by deleting subsection (e) to conform the regulation with the statutory amendment. Subsection (e) currently provides that “A temporary graduate perfusionist license expires upon notice to the Board that the holder has failed the Nationally-recognized certifying agency’s certification examination. The holder of a temporary graduate perfusionist license who fails the examination shall immediately cease practicing and return the license to the Board.”

Fiscal Impact and Paperwork Requirements

There is no fiscal impact and no paperwork requirements associated with this final-omitted rulemaking which conforms the Board’s regulations to current statutory provisions.

Regulatory Review

Under section 5.1(c) of the RRA (71 P.S. § 745.5a(c)), on March 30, 2023, the Board submitted copies of the final-omitted rulemaking, with a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional

Licensure Committee (SPC/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the Board submitted a copy of the final-omitted rulemaking to the Office of Attorney General under section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

Under section 5.1(e) and (j.2) of the RRA (71 P.S. § 745.5a(e) and (j.2)), on May 17, 2023, the final-omitted rulemaking was deemed approved by the SPC/PLC and the HPLC. Under section 5.1(e) of the RRA, IRRC met on May 18, 2023, and approved the final-omitted rulemaking. OAG approved the final-omitted rulemaking on April 24, 2023.

Additional Information

For additional information about the amendment, submit inquires to Shana M. Walter, Counsel, State Board of Osteopathic Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail to RA-STRegulatoryCounsel@pa.gov.

Findings

The Board finds that:

(1) Public notice of the Board’s intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been properly omitted under section 204 of the CDL because public comment is unnecessary given that the amendments adopted by this order are required to conform to the amendments to the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18).

(2) The amendment of the Board’s regulations in the manner provided in this order is necessary and appropriate for the administration of the Osteopathic Medical Practice Act.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by amending § 25.804 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall submit this order and Annex A to IRRC, the SPC/PLC, and the HPLC as required by law.

(d) The Board shall certify this order and Annex and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect upon notice or publication in the *Pennsylvania Bulletin*.

WILLIAM B. SWALLOW, DO,
Chairperson

(*Editor’s Note:* See 53 Pa.B. 3055 (June 3, 2023), for IRRC’s approval order.)

Fiscal Note: 16A-5332. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter N. PERFUSIONISTS

§ 25.804. Application for temporary graduate perfusionist license.

(a) An applicant for a temporary graduate perfusionist license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 25.231 (relating to schedule of fees) for an application for a temporary graduate perfusionist license.

(b) The Board may grant a temporary graduate perfusionist license, which authorizes the license holder to practice only under the supervision and direction of a perfusionist licensed under the act, to an applicant who:

(1) Demonstrates that the applicant is eligible for and has applied to sit for the examination of a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P.S. § 271.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for a temporary graduate perfusionist license upon the grounds for disciplinary action in § 25.809 (relating to disciplinary action for licensed perfusionists).

(d) A temporary graduate perfusionist license expires 2 years after the date of issuance and may not be renewed.

(e) [Reserved].

[Pa.B. Doc. No. 23-728. Filed for public inspection June 2, 2023, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

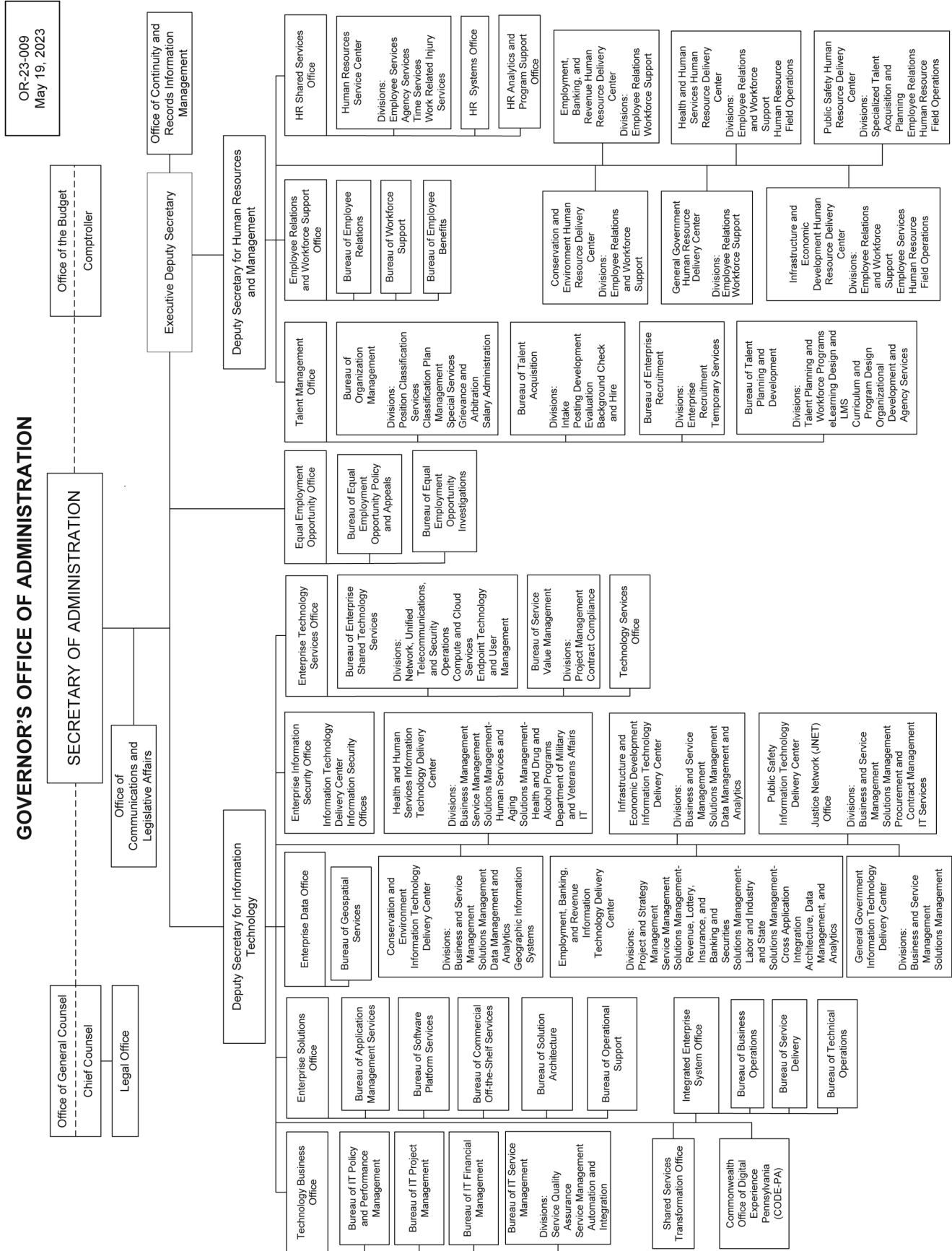
The Executive Board approved a reorganization of the Governor's Office of Administration effective May 19, 2023.

The organization chart at 53 Pa.B. 2967 (June 3, 2023) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 23-729. Filed for public inspection June 2, 2023, 9:00 a.m.]

GOVERNOR'S OFFICE OF ADMINISTRATION



NOTICES

DEPARTMENT OF AGING

Pharmaceutical Assistance Advisory Board Meeting

The Pharmaceutical Assistance Advisory Board will hold a meeting by means of Microsoft Teams on Thursday, June 15, 2023, from 9 a.m. to 10:30 a.m. Discussion topics are to be determined. For connection information or any questions, contact Megan McDaniel, memcdaniel@pa.gov, (717) 787-7313 or Terry Brown, tbrown@pa.gov, (717) 772-0199.

JASON KAVULICH,
Secretary

[Pa.B. Doc. No. 23-730. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Vegetable Marketing and Research Program; Referendum and Order

Under the applicable provisions of 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a review referendum was held from April 3, 2023, to May 3, 2023, to determine if the producers affected by the Pennsylvania Vegetable Marketing and Research Program (Program) wished to continue the Program for an additional 5 years. To continue the Program, a majority of eligible producers voting had to vote in favor of continuing the Program. An impartial Teller Committee met on May 17, 2023, to count the ballots. The following results were submitted by the Teller Committee: a total of 309 eligible votes were cast with 243 producers voting in favor of and 66 voting against the continuation of the Program. An additional 8 ballots were invalid because they were not signed or were postmarked and received after the deadline. Votes favoring continuation of the Program by number of producers represented 79% of eligible votes and votes against continuation of the Program represented 21% of eligible votes. Because a majority of the votes were cast in favor of the Program, the Program shall continue for 5 years, effective immediately.

2023 Program Order

Pennsylvania Vegetable Marketing and Research Program

Article I—Declaration.

In accordance with requirements of the Agricultural Commodities Marketing Act as amended, the Secretary of Agriculture finds that this program effectuates the purposes of said Act.

Article II—Definitions.

As used in this marketing program, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

1. “Act” means the Act of March 24, 1998 (P.L. 217, No. 39) (3 Pa.C.S.A. §§ 4501—4513), as amended, known as the Agricultural Commodities Marketing Act.

2. “Commodity Marketing Board” or “Board” consists of the Secretary plus those persons who are appointed by the Secretary from among producers whose commodities

are subject to this marketing program and from among certain sales agents required by regulation to collect or assist in the collection of producer charges under the authority of Section 10(b) of the Act, that person who is appointed by the Secretary from among such sales agents.

3. “Department” means the Department of Agriculture of the Commonwealth of Pennsylvania.

4. “Greenhouse” means any enclosed structure for growing vegetables, including both structures where the internal temperature is controlled and high tunnels where no additional heat is supplied. The term does not include low tunnels.

5. “Marketing Contract” Any contract or agreement between the Commodity Marketing Board and a person for the performance of services relating to advertising, marketing, promotion, or research, or other objectives in furtherance of this marketing program.

6. “Marketing Season” The period from October 15, 2011 through December 31, 2012, and thereafter from January 1 through December 31 of each calendar year.

7. “Person” means an individual, partnership, firm, corporation, association or other business unit.

8. “Producer” means a person who does one or more of the following during a particular marketing season:

a. Grows one (1) or more acres of vegetables within this Commonwealth for the purpose of selling said vegetables.

b. Grows vegetables in one or more greenhouses located within this Commonwealth if: (1) the greenhouse(s) is/are used for growing vegetables in 1,000 square feet or more of growing space; and (2) the vegetables are grown for sale; and (3) the vegetables are not grown to be transplanted outdoors.

c. Grows vegetables within this Commonwealth and sells \$2,000 or more of the vegetables grown in a given marketing season.

9. “Sales Agent” means any processor, auction, packing house, fresh market vegetable stand, cooperative, broker, wholesaler, commission merchant or any person who purchases, handles, processes, receives, sells or contracts to sell vegetables originating from a producer. A producer may be a sales agent with respect to his own production.

10. “Secretary” means the Secretary of Agriculture of the Commonwealth of Pennsylvania, or his designee.

11. “Vegetables” means all vegetables except Irish potatoes, including but not limited to: asparagus, beans (snap, dry and lima), beets, cabbage, cauliflower, broccoli, Brussels sprouts, collards, kale, mustard greens, kohlrabi, carrots, celery, corn (sweet, pop and ornamental), cucumbers, eggplant, garlic, horseradish, leeks, lettuce, muskmelons, watermelon, onions, parsley, parsnips, peas, peppers, pumpkins, squash (edible and decorative), gourds, radishes, rutabagas, spinach, sweet potatoes, tomatoes, and turnips, produced in Pennsylvania for the purpose of sale by a producer as herein defined.

Article III—Scope of Program.

The area affected by this marketing program shall be the Commonwealth of Pennsylvania. The persons affected by this marketing program shall be the “producers” described herein at Article II.

Article IV—Commodity Marketing Board.

Section A. Establishment and Members.

The Commodity Marketing Board shall consist of fourteen (14) members, one of whom shall be the Secretary, or his designee. The Board shall have the primary decision-making authority in the administration of this marketing program, as provided in the Act.

For the purpose of representing the producers on the Commodity Marketing Board, the state shall be divided into three (3) production areas (West, Central, and East). Four (4) Board members representing producers shall be appointed from each production area. Such Board members shall represent fresh market vegetable producers, producers of vegetables for processing, and greenhouse vegetable producers.

As this marketing program requires certain sales agents to collect or assist in the collection of producer charges under authority of Section 10(b) of the Act, the Secretary shall appoint one (1) Board member from among such sales agents.

Section B. Term of Office.

1. The term of office of each appointed member shall be for three (3) years, beginning July 1 and ending June 30: Provided, that the terms of office of the initial appointed members of the Commodity Marketing Board shall be staggered as follows: Four (4) members shall serve one (1) year, four (4) members shall serve two (2) years, and four (4) members shall serve for three (3) years. All members appointed subsequent to those first appointed, and the member appointed to represent sales agents, shall serve three (3) year terms.

2. The Secretary, or his designee, will be a member of the Commodity Marketing Board, and the other Board members shall be appointed by the Secretary. Twelve (12) Board members shall be appointed from among affected producers. One (1) Board member shall be appointed by the Secretary from among sales agents. In making these appointments, the Secretary shall consider nominations submitted by the affected producers or sales agents.

3. Successor members to fill the expired terms of members of the Commodity Marketing Board shall be appointed in the same manner as the initial members of the Commodity Marketing Board. Members shall serve in such capacities for the portion of the term of office for which they are appointed and until their respective successors are appointed and have qualified.

4. Any person appointed to represent producers as a member of the Commodity Marketing Board shall be and remain a producer while a member of the Board. A person appointed to represent sales agents as a member of the Board shall be and remain a sales agent while a member of the Board. Any person appointed to the Board shall qualify by filing a written acceptance with the Secretary within fifteen (15) days of being notified of appointment.

5. To fill any vacancy occasioned by the failure of any person appointed as a member of the Commodity Marketing Board, a successor for the unexpired term of such member shall be appointed by the Secretary from among the affected producers or sales agents.

6. The regular meetings of the Board will be held at least four (4) times a year.

Section C. Powers and Duties of the Board.

The Commodity Marketing Board shall have the primary decision-making authority relative to marketing

contracts and other projects in furtherance of this marketing program and includes the following powers and duties:

1. To determine all matters pertaining to this marketing program.

2. To hire and employ personnel which the Board deems necessary for the proper administration of this marketing program and to fix the compensation and terms of employment of such personnel.

3. To adopt written procedures for acquiring and disposing of property, and subject to these procedures, to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property.

4. To make and enter into all contracts and agreements, in accordance with the provisions of the law, which the Board deems necessary or incidental to the furtherance of the marketing program or performance of duties and powers pursuant to the Act. The Board shall adopt written procurement procedures for all marketing contracts.

5. To receive, account for and disburse all monies collected pursuant to this marketing program, the Act and any applicable regulations. Funds should generally be disbursed to benefit the fresh market producers in proportion to the amount received from the fresh market acreage and likewise to proportionately benefit the processing producers and greenhouse producers.

6. To prepare a budget for the administration, operating costs and expenses of this marketing program.

7. To receive and report to the Secretary complaints or violations of this marketing program and to assist and cooperate with the Secretary in the enforcement thereof.

8. To establish committees or subcommittees to carry out assigned duties and functions, and to designate Board members and non-board members to serve on such committees and subcommittees.

9. To collect and gather information and data relevant to the proper administration of this marketing program.

10. To charge fees and to assist the Secretary in the imposition of fees and the collection of fees and revenue pursuant to the Act.

11. To issue an annual report on the operation of this marketing program.

12. To recommend amendments to this marketing program and amendments to the Act and regulations issued pursuant thereto.

Section D. Expenses and Compensation.

No member of the Board shall receive a salary, but each shall be entitled to actual expenses incurred while engaged in performing duties authorized herein. In addition, a per diem payment may be made to each Board Member or subcommittee member for each day in which a Board Member or subcommittee member is performing a duty necessary to the functions of the Board. The per diem payment shall not exceed the maximum sum allowable under the Act.

Article V—Powers and Duties of the Secretary.

Subject to the provisions contained in the Act, the Secretary shall administer and enforce the provisions of the Act, and shall have and shall exercise all administrative powers necessary to effectuate the purposes of the Act, including the issuance of this marketing program,

the appointment of members to the Commodity Marketing Board and the providing of personnel, staff, legal counsel, and office facilities required for the administration and enforcement of this marketing program.

Article VI—Purpose.

This marketing program is to provide funds to be used to contract with any person, organization, or state or federal agency, to prepare, issue, administer and enforce plans for promoting the sale of vegetables or vegetable products without reference to any particular firm's or individual's brand or trade name. No advertising or sales promotion program shall be approved, which shall make use of false or unwarranted claims or disparage the quality, value, sale or use of any other agricultural commodity.

This marketing program further provides funds to be contracted with any person, organization, or state or federal agency for conducting research deemed beneficial to the vegetable industry. Program funds may also be used to develop information designed to inform producers of quality standards and quality improvements. The Secretary and the Board may cooperate with any other state or Federal agency, or other organization whose activities may be deemed beneficial to the purpose of this Act.

Article VII—Budget, Rate of Assessment, Collection of Assessment, Disbursement of Funds.

Section A. Budget and Assessment.

A budget shall be prepared and established for the administration and enforcement of this marketing program and for carrying out duly authorized programs and activities of marketing or research as herein provided.

The rate of assessment shall be the lesser of the following:

a. a flat fee of twenty-five dollars (\$25.00) per affected producer ("affected producer" is defined herein at Article III, relating to scope of program) plus \$1.50 for each acre of field vegetable production and each 1,000 square feet of greenhouse vegetable production beyond the initial five of these acreage and/or square-footage units; or

b. an amount equal to 1.25% (.0125) of gross sales of vegetables during a particular marketing season, but no less than twenty-five dollars (\$25).

Producers shall report what part of their total acreage is utilized for fresh market production and the part utilized for processing production.

Section B. Collection of Assessment / Charge.

1. Each producer shall be responsible for payment of the proper assessment upon the vegetables which he produces or causes to be produced, and sells or delivers for sale.

2. All producers shall make remittance and accounting of the proper assessment to the Secretary or his designated fiscal agent no later than the 31st day of January immediately following the applicable marketing season, or such other period as established by regulation.

3. Any delinquent producer may be assessed a penalty for late payments as established by regulation.

Section C. Disbursement of Funds.

1. Disbursement of funds shall be made in the manner described in the Act and in any rules or any regulations promulgated by the Secretary to effectuate the provisions and intent thereof, and in accordance with the provisions of this marketing program.

2. Funds should generally be disbursed to include support for vegetable promotion or research, approximately in proportion to the amounts provided by fresh market, processing, and greenhouse segments of the vegetable industry.

Article VIII—Effecting Marketing Program.

This marketing program, or any amendment thereto, shall not become effective unless and until the Secretary determines by a referendum whether or not the affected producers assent to the proposed action. The Secretary shall conduct the referendum among affected producers and the affected producers shall be deemed to have assented to the proposed program if, of those voting, not less than a majority by number and a majority by acreage and square footage assent to the proposed program.

Article IX—Amending Marketing Program.

The Secretary shall call for a referendum on amendments to the marketing program within a reasonable period of time, upon the request of the Board or with written request of ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers. In voting on an amendment to the marketing program, the vote shall be only on the amendment, and shall not terminate the program.

Article X—Terminating Marketing Program.

Subject to approval of the Board, the Secretary shall suspend or terminate this marketing program or any provisions hereof whenever he finds that such provisions or program does not tend to effectuate the purpose of the Act within the standards and subject to the limitations and restrictions imposed in the Act: Provided that such termination or suspension shall not be effective until the expiration of the current marketing season.

If the Secretary finds that the termination of the marketing program is requested in writing, by more than thirty-three and one-third percent of the affected producers who produce for market more than fifty percent of the volume of agricultural commodities produced within the designated production area for market, the Secretary shall terminate or suspend for a specified period, the program or provisions thereof; Provided that such termination shall be effective only if announced on or before the first day of July in any calendar year. If ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers, request in writing, that a referendum be held on the question of terminating the program, the Secretary must announce and conduct a referendum within a reasonable period of time. The program shall be terminated if so voted by a majority of those voting.

Article XI—Marketing Program Reviewed.

At intervals of no greater than five (5) years, the Secretary of Agriculture shall call a referendum to determine whether or not a majority of the vegetable producers voting still desire a Commodity Marketing Program.

Article XII—Interpretation.

Applicable provisions of this marketing program shall be interpreted consistent with the Act and the Act shall take precedence in the event of any conflict with this market program.

Article XIII—Effective Date.

The Program shall become effective 21 days from publication of the notice of issuance in accordance with Section 9 of the Act.

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 23-731. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending May 23, 2023.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
05-18-2023	CCFNB Bancorp, Inc. Bloomsburg Columbia County Application for approval to acquire 100% of Muncy Bank Financial, Inc., Muncy, PA, and thereby indirectly acquire 100% of The Muncy Bank and Trust Company, Muncy, PA.	Filed
05-19-2023	Princeton Bancorp, Inc. and Bank of Princeton Princeton Mercer County, NJ Application for approval to acquire 100% of Noah Bank, Elkins Park, PA.	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
05-18-2023	First Columbia Bank & Trust Co. Bloomsburg Columbia County Application for approval to merge The Muncy Bank and Trust Company, Muncy, PA, with and into First Columbia Bank & Trust Co., Bloomsburg, PA.	Filed
05-19-2023	Noah Bank Elkins Park Montgomery County Application for approval to merge TBOP Acquisition Company, a wholly-owned subsidiary of The Bank of Princeton, Princeton, NJ, with and into Noah Bank, Elkins Park, PA.	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-17-2023	1st Summit Bank Johnstown Cambria County	5812 6th Avenue Altoona Blair County	Approved

NOTICES

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-17-2023	Orrstown Bank Shippensburg Cumberland County	<i>To:</i> 4450 Long Gate Parkway Ellicott City Howard County, MD <i>From:</i> 9050 Baltimore National Pike Ellicott City Howard County, MD	Approved

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Interim Acting Secretary

[Pa.B. Doc. No. 23-732. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0223800	Joint DEP/PFBC Pesticides Permit	New	West Deer VFC 3 Station 290 4418 Gibsonia Road Gibsonia, PA 15044-7963	West Deer Township Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0101380	Joint DEP/PFBC Pesticides Permit	Renewal	Applehill Owners c/o Comm Management Group P.O. Box 779 Wexford, PA 15090-0779	Adams Township Butler County	NWRO
1013829	Joint DEP/PFBC Pesticides Permit	New	Field Lake Estates P.O. Box 779 Wexford, PA 15090-0779	Cranberry Township Butler County	NWRO
1017805	Joint DEP/PFBC Pesticides Permit	Renewal	Ehrman Farms HOA P.O. Box 779 Wexford, PA 15090	Cranberry Township Butler County	NWRO
5023801	Joint DEP/PFBC Pesticides Permit	New	Snyder Robert H 80 Amity Road Duncannon, PA 17020-7003	Watts Township Perry County	SCRO
6313804	Joint DEP/PFBC Pesticides Permit	Renewal	Allclad Metalcrafters LLC 424 Morganza Road Canonsburg, PA 15317-5716	Chartiers Township Washington County	SWRO
6513818	Joint DEP/PFBC Pesticides Permit	Renewal	Redstone Presb Seniorcare Inc. 6 Garden Center Drive Greensburg, PA 15601-1351	North Huntingdon Township Westmoreland County	SWRO
1423402	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	Burkholders Farm Market 107 Market Drive Spring Mills, PA 16875-8420	Penn Township Centre County	NCRO
0400404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Hopewell Township Beaver County 1700 Clark Boulevard Aliquippa, PA 15001-4205	Hopewell Township Beaver County	SWRO
367S016	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Blair Const LLC 5639 Emlenton Clintonville Road Emlenton, PA 16373-6813	Cranberry Township Venango County	NWRO
PAG030071	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Sanitary Sewer Ind Holdings Inc. 105 G P Clement Drive Collegeville, PA 19426	Perkiomen Township Montgomery County	SERO
PAG032261	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	American Cargo Group Trailers LLC 6 Banks Avenue McAdoo, PA 18237-2507	Banks Township Carbon County	NERO
PAG032275	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Rapp Bros Pallet Service Inc. 400 Island Park Road Easton, PA 18042-6814	Glendon Borough Northampton County	NERO
PAG032376	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	S & K Stone 243 McGavin Road Meshoppen, PA 18630-7860	Auburn Township Susquehanna County	NERO
PAG032386	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Gas Search Drilling Service Corp. 8283 State Route 29 Montrose, PA 18801-9376	Bridgewater Township Susquehanna County	NERO
PAG032396	PAG-03 NPDES General Permit for Industrial Stormwater	New	Solar Innovations LLC 31 Roberts Road Pine Grove, PA 17963-9150	Pine Grove Township Schuylkill County	NERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG032397	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Mactac 802 E Corey Street Scranton, PA 18505-3515	Moosic Borough Lackawanna County	NERO
PAG032400	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Jeld Wen Inc. 1162 Keystone Boulevard Pottsville, PA 17901	Cass Township Schuylkill County	NERO
PAG032402	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	LKQ Northeast Inc. P.O. Box 128 Parryville, PA 18244-0128	Parryville Borough Carbon County	NERO
PAG032405	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Honeywell International Inc. 98 Westwood Road Pottsville, PA 17901-1834	Norwegian Township Schuylkill County	NERO
PAG033565	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Cougles Recycling Inc. 1000 S 4th Street Hamburg, PA 19526-9208	Hamburg Borough Berks County	SCRO
PAG033575	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Concrete Pipe & Precast LLC 401 S Carlisle Street Greencastle, PA 17225-1565	Greencastle Borough Franklin County	SCRO
PAG033608	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	American Colloid Co. 600 Lincoln Street York, PA 17401-3317	York City York County	SCRO
PAG033988	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Juniata Concrete Co. 721 Smith Road Mifflintown, PA 17059-7456	Oliver Township Perry County	SCRO
PAG033990	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Juniata Concrete Co. 721 Smith Road Mifflintown, PA 17059-7456	Walker Township Juniata County	SCRO
PAG034003	PAG-03 NPDES General Permit for Industrial Stormwater	New	Loves Travel Stops & Country Stores Inc. P.O. Box 26210 Oklahoma City, OK 73126-0210	Upper Bern Township Berks County	SCRO
PAG034006	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Treehouse Foods Inc. 2060 Old Philadelphia Pike Lancaster, PA 17602-3413	East Lampeter Township Lancaster County	SCRO
PAG034010	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Brentwood Ind Inc. 2101 Lehman Street Lebanon, PA 17046-2757	West Lebanon Township Lebanon County	SCRO
PAG034018	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Darling Ingredients Inc. 151 Randal Stuewe Road Winchester, VA 22603	Fermanagh Township Juniata County	SCRO
PAG034019	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Bedford Reinforced Plastics Inc. 264 Reynoldsdale Road Bedford, PA 15522-7401	East Saint Clair Township Bedford County	SCRO
PAG034835	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Dincher & Dincher Tree Surgeons Inc. 687 Cemetery Road Williamsport, PA 17701-8847	Loyalsock Township Lycoming County	NCRO

<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>
PAG036106	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Therm O Rock East Inc. P.O. Box 429 100 Pine Street New Eagle, PA 15067-0429	New Eagle Borough Washington County	SWRO
PAG036141	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Giant Eagle Inc. 101 Kappa Drive Pittsburgh, PA 15238-2809	Pittsburgh City Allegheny County	SWRO
PAG036244	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	RW Sidley Inc. 88 E Hillis Street Youngwood, PA 15697-4002	Hempfield Township Westmoreland County	SWRO
PAG036298	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Giant Eagle Inc. 101 Kappa Drive Pittsburgh, PA 15238-2809	New Sewickley Township Beaver County	SWRO
PAG036533	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	McDanel Adv Ceramic Tech LLC 510 9th Avenue Beaver Falls, PA 15010-4700	Beaver Falls City Beaver County	SWRO
PAG036534	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	S & S Auto Salvage 1999 Frankstown Road Johnstown, PA 15902-4507	Richland Township Cambria County	SWRO
PAG038449	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Tri County Ind Inc. 159 TCI Park Drive Grove City, PA 16127-4347	Pine Township Mercer County	NWRO
PAG038460	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Penn Pallet Inc. 675 Fillmore Road P.O. Box 8 Saint Marys, PA 15857-3227	Saint Marys City Elk County	NWRO
PAG046356	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Snyder Mary & David 396 Burnsville Ridge Road Claysville, PA 15323-1125	West Finley Township Washington County	SWRO
PAG106230	PAG-10 NPDES General Permit for Hydrostatic Test Water	New	Laurel Mountain Midstream Operations LLC 2000 Commerce Drive Pittsburgh, PA 15275-1026	Jefferson Township Greene County	SWRO
PAG123562	PAG-12 NPDES General Permit for CAFOs	Transfer	Nolt Cleason 351 Elco Drive Myerstown, PA 17067-2608	Jackson Township Lebanon County	SCRO
PAG133717	PAG-13 NPDES General Permit for MS4s	Renewal	PA Department of Corr. Camp Hill State Corr. Institution 2500 Lisburn Road P.O. Box 598 Camp Hill, PA 17011-8005	Lower Allen Township Cumberland County	SCRO
PA0288594	Single Residence STP Individual NPDES Permit	Transfer	Jade & Mark Tierney 414 McCalmont Road Renfrew, PA 16053-9636	Butler Township Butler County	NWRO
1020411	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Jade & Mark Tierney 414 McCalmont Road Renfrew, PA 16053-9636	Butler Township Butler County	NWRO
6523401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Versaw Dale R 611 Ashton Court Irwin, PA 15642-3692	Unity Township Westmoreland County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6723404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Best Collin 492 Kreutz Creek Road York, PA 17406-8060	Hellam Township York County	SCRO
WQG016153	WQG-01 WQM General Permit	Transfer	Snyder Mary & David 396 Burnsville Ridge Road Claysville, PA 15323-1125	West Finley Township Washington County	SWRO

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

PA0232912, Storm Water, SIC Code 1389, **Key Energy Services, LLC**, 1500 Citywest Boulevard, Suite 800, Houston, TX 77042-2380. Facility Name: Mill Hall Yard. This existing facility is located in Porter Township, **Clinton County**.

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

The receiving stream(s), Unnamed Tributary of Cedar Run, is located in State Water Plan watershed 9-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed reporting requirements for Outfalls 001—003 are:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	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.

Northwest Regional Office

PA0024392, Sewage, SIC Code 4952, **Rouseville Borough**, P.O. Box 317, Rouseville, PA 16344-0317. Facility Name: Rouseville Borough STP. This existing facility is located in Cornplanter Township, **Venango County**.

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

The receiving stream(s), Oil Creek, is located in State Water Plan watershed 16-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 0.24 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	50	80	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	60	90	XXX	30	45	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0025534, Sewage, SIC Code 7033, **USDA Forest Service**, 4 Farm Colony Drive, Warren, PA 16365-5206. Facility Name: Kiasutha Recreation Area STP. This existing facility is located in Hamilton Township, **McKean County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.011 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
			Daily Min		Daily Max	
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

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

PA0034568, Sewage, SIC Code 6515, **Harbor Mobile Home Village & Terrace Sales, Inc.**, 203 Independence Lane, New Castle, PA 16101-2883. Facility Name: Harbor Terrace MHP. This existing facility is located in Union Township, **Lawrence County**.

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

The receiving stream, an Unnamed Tributary to the Shenango River (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0125 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	25.0	XXX	50
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	9.5	XXX	19
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0104353, Sewage, SIC Code 4952, 6515, **West Middlesex DJVNW LLC**, 8865 Norwin Avenue, Suite 27, PMB 319, North Huntingdon, PA 15642-2769. Facility Name: Oakleaf Estates MHP. This existing facility is located in Shenango Township, **Mercer County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.035 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
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)	XXX	XXX	XXX	2,000	XXX	10,000
Nov 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	9.0	XXX	18
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0238619, Sewage, SIC Code 4952, 8641, **Chestnut Grove Master Owners Assoc**, 4900 Perry Highway, Pittsburgh, PA 15229-2220. Facility Name: Chestnut Grove Homeowners Association. This existing facility is located in Franklin Township, **Butler County**.

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

The receiving stream is Mulligan Run, located in State Water Plan watershed 20-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report Quarterly XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg 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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.11	XXX	0.35
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	XXX
Oct 1 - Apr 30				Geo Mean 200	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 7.5	XXX	15.0
Ammonia-Nitrogen	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30				2.0	XXX	4.0
May 1 - Oct 31	XXX	XXX	XXX			
Total Phosphorus	XXX	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

PA0238741, Sewage, SIC Code 8811, **Don W Neff**, 111 Beach Road, Chicora, PA 16025-4101. Facility Name: Don W Neff SRSTP. This existing facility is located in Concord Township, **Butler County**.

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

The receiving stream(s), Unnamed Tributary to Connoquenessing Creek (HQ-WWF), is located in State Water Plan watershed 20-C and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

PA0239577, Sewage, SIC Code 7033, **USDA Forest Service**, 4 Farm Colony Drive, Warren, PA 16365-5206. Facility Name: Red Bridge Recreation Area STP. This existing facility is located in Hamilton Township, **McKean County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0075 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

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

PA0265268, Sewage, SIC Code 8800, **Heidi & Timothy Wilson**, 963 Xenia Avenue, Wilmington, OH 45177-1676. Facility Name: Heidi & Timothy Wilson SRSTP. This existing facility is located at 1177 Crippen Hill Road, Pittsfield, PA 16340 in Brokenstraw Township, **Warren County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	Inst Min 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	1,000

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

PA0265519, Sewage, SIC Code 4952, 8800, **Jeremy & Tanya Card**, 811 Stillwater Road, Sugar Grove, PA 16350-4027. Facility Name: Jeremy & Tanya Card SRSTP. This existing facility is located in Sugar Grove Township, **Warren County**.

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

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

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0292966, Sewage, SIC Code 8800, **Thomas Kirkwood**, 2606 Harlansburg Road, New Castle, PA 16101-9686. Facility Name: Thomas Kirkwood SRSTP. This proposed facility is located in Scott Township, **Lawrence County**.

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

The receiving stream(s), Unnamed Tributary of Big Run (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0293245, Sewage, SIC Code 8800, **Bradley & Rebecca Fox**, 5770 Ruhl Road, Fairview, PA 16415-2533. Facility Name: Bradley & Rebecca Fox SRSTP. This proposed facility is located in Fairview Township, **Erie County**.

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

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

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

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

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

PA0221589, Industrial, SIC Code 4225, **Economic Alliance Foundation, Inc.**, 798 Bessemer Street, Meadville, PA 16335-1856. Facility Name: Linesville Business Park. This existing facility is located in Linesville Borough, **Crawford 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, the Linesville Creek (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0118 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
cis-1,2-Dichloroethylene	XXX	XXX	XXX	0.001	XXX	0.0025
Trichloroethylene	XXX	XXX	XXX	0.012	XXX	0.03

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

- Requirements Applicable to Stormwater Outfalls

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

PA0032051, Sewage, SIC Code 4952, **Granville Township, Mifflin County**, 100 Helen Street, Lewistown, PA 17044-2437. Facility Name: Granville Township Main STP. This existing facility is located in Granville Township, **Mifflin 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), Juniata River (WWF, MF), is located in State Water Plan watershed 12-A and is classified for Warm Water Fishes, 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 .5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	100	165	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	125	185	XXX	30.0	45.0	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
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)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) Effluent Net	XXX	15,196 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) Effluent Net	XXX	1,899 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

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

• The permittee is authorized to use 600 lbs/year as Total Nitrogen (TN) offsets toward compliance with the Annual Net TN mass load limitations (Cap Loads)

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

• Stormwater prohibition, Approval contingencies, Solids management, Restrictions on receipt of hauled in waste under certain conditions, chlorine minimization requirement, Notification of designation of responsible operator and Batch discharge requirement

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

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0036790, Sewage, SIC Code 6515, **Paradise MHP Inc.**, 4007 Dean Martin Drive, Las Vegas, NV 89103-4137. Facility Name: Paradise MHP. This existing facility is located in Wheatfield Township, **Perry 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 Dark Run (CWF), is located in State Water Plan watershed 7-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 .04 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly XXX	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Qrtly XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .04 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.1	XXX	0.29
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	20.0	XXX	40
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 4.5	XXX	9
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of .04 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
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 717-705-4732.

The EPA Waiver is in effect.

Southcentral Regional Office

PA0086185, Sewage, SIC Code 4952, **Washington Township Sewer Authority, Dauphin County**, 185 Manors Road, Elizabethville, PA 17023-8733. Facility Name: Washington Township Loyalton STP. This existing facility is located in Washington Township, **Dauphin 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), Wiconisco Creek (WWF), is located in State Water Plan watershed 6-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 .05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	10.4	16.6	Report	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	12.5	18.7	XXX	30	45	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
				Geo Mean		

The proposed effluent limits for Outfall 001 are based on a design flow of .05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

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

- Stormwater prohibition, Approval contingencies, Solids management, Restrictions on receipt of hauled in waste under certain conditions and UV monitoring requirement.

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0087131, Sewage, SIC Code 4952, **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517-8946. Facility Name: Gehman School Road WWTP. This existing facility is located in Brecknock Township, **Lancaster 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, Little Muddy Creek (WWF), is located in State Water Plan watershed 7-J 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 .005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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 .005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1.0	1.7	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	1.3 Report	1.9 XXX	XXX XXX	30 Report	45 XXX	60 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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0266655, Sewage, SIC Code 8811, **Daniel N & Ida F Harris**, 1061 Lovely Road, Alum Bank, PA 15521. Facility Name: Harris Residence. This existing facility is located in Lincoln Township, **Bedford County**.

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

The receiving stream(s), Georges Creek (WWF, MF), is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0293920, Sewage, SIC Code 8811, **Kocoronis Haralambos**, 504 Stonewood Road, York, PA 17402-9309. Facility Name: Bobby Kocoronis Property. This proposed facility is located in Springettsbury Township, **York County**.

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

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

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0010375, Industrial, SIC Code 3241, **Lehigh White Cement Co. LLC**, 1601 Forum Place, Suite 1110, West Palm Beach, FL 33401-8104. Facility Name: Lehigh White Cement Co. York Facility. This existing facility is located in West Manchester Township, **York County**.

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

The receiving stream(s), Unnamed Tributary of Codorus Creek (WWF), is located in State Water Plan watershed 7-H and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of .02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Phenolics, Total	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 717-705-4732.

The EPA Waiver is in effect.

Southcentral Regional Office

Application No. PA0266485, Concentrated Animal Feeding Operation (CAFO), **Scott Wagner (Scott Wagner Farm CAFO)**, 385 King Pen Road, Quarryville, PA 17566-9659.

Scott Wagner has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Scott Wagner Farm CAFO, located in Little Britain Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to McCreary Run (HQ-TSF, MF) in Watershed 7-K, which is classified for High Quality Waters, Trout Stocking, and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 406.79 animal equivalent units (AEUs) consisting of 17,500 Finisher Turkey, 17,500 Brooder Turkey, 3 Large Breed Sheep Ewe, 4 Large Breed Sheep Lamb, 1 Jersey Lactating Cow, and 10 Jersey Steers. Solid turkey manure is stacked onsite in a solid manure stack shed. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Southcentral Regional Office

PA0266591, Storm Water, SIC Code 4225, **Mondelez Global LLC**, 597 Alexander Spring Road, Carlisle, PA 17013. Facility Name: Mondelez Global LLC Carlisle. This existing facility is located in South Middleton Township, **Cumberland County**.

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

The receiving stream(s), Letort Spring Run (EV, MF), is located in State Water Plan watershed 7-B and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and Outfall 004:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), including applicable BMPs from Appendix L from the PAG-03 (effective 3/24/2023)
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (including Benchmarks for TSS, Oil and Grease, pH, BOD₅, COD)
- Other Requirements

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0098523, Sewage, SIC Code 6515, **Glen Meadows MHP LLC**, 4007 Dean Martin Drive, Las Vegas, NV 89103-4137. Facility Name: Glen Meadow MHP. This existing facility is located in Amwell Township, **Washington 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), Little Tenmile Creek (TSF), is located in State Water Plan watershed 19-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0367 MGD.

Parameters	Mass Units (lbs/day)		Instantaneous 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
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	2.0	XXX	3.9
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .0367 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .0367 MGD.—Final Limits.

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

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0205681, SIC Code 4952, **Somerset Township Municipal Authority**, P.O. Box 247, Somerset, PA 15501-0247. Facility Name: SCI Somerset. This existing facility is located in Black Township, **Somerset County**.

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

The receiving stream(s), UNT to Laurel Run (WWF), is located in State Water Plan watershed 19-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.06	XXX	0.18

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total (ug/L)	XXX	XXX	XXX	9.15	13.7 DailyMax	13.7
Zinc, Total (ug/L)	XXX	XXX	XXX	117.0	118.0 DailyMax	118

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.009	XXX	0.031

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	0.420	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	35.0	52.5	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	35.0	52.5	XXX	10.0	15.0	20
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	9.28	XXX	XXX	Geo Mean	2.65	5.3
Nov 1 - Apr 30						
May 1 - Oct 31	6.66	XXX	XXX	1.9	XXX	3.8

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

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

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

PAS206101, Storm Water, SIC Code 3400, **Dynamic Materials Corporation**, P.O. Box 317, Mount Braddock, PA 15465-0317. Facility Name: Dunbar Mine Facility. This existing facility is located in Dunbar Township, **Fayette County**.

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

The receiving stream(s), Dunbar Creek (HQ-CWF), is located in State Water Plan watershed 19-D and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Daily Minimum	Average Quarterly	Daily Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	1.1	2.2	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	0.12	0.24	XXX

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

The EPA Waiver is in effect.

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

Northeast Regional Office

Applicant: **Running Lane, LLC**

Applicant Address: 563 Carlton Road, Tobyhanna, PA 18466

Application Number: **PAD450053**

Application Type: Renewal

Municipality/County: Pocono Township, **Monroe County**

Total Earth Disturbance Area (acres): 4.04 acres

Surface Waters Receiving Stormwater Discharges: Scot Run, HQ-CWF, MF

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

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

Project Description: Permit Renewal for the construction of a 90 room hotel located behind the Pocono Brewing Company.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **PPL Electric Utilities Corporation**

Applicant Address: 1639 Church Road, Allentown, PA 18104

Application Number: **PAD210088**

Application Type: New

Municipality/County: Hampden Township, **Cumberland County**

Total Earth Disturbance Area (acres): 23.4 acres

Surface Waters Receiving Stormwater Discharges: UNT to Cedar Run (CWF, MF) and UNT to Trindle Springs (HQ-CWF, MF)

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

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

Project Description: Replace 46 existing wood poles with steel monopoles for approximately 2.5 miles.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Suburban Reality, LP**

Applicant Address: 330 Oakford Road, Clarks Summit, PA 18411

Application Number: **PAD450124 A-1**

Application Type: Major Amendment

Municipality/County: Stroud Township, **Monroe County**

Total Earth Disturbance Area (acres): 10.88 acres

Surface Waters Receiving Stormwater Discharges: EV Wetlands to Pocono Creek HQ, CWF-MF

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

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

Project Description: Major Amendment revising the point of discharge for the site to an EV wetland to Pocono Creek.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Hidden Meadows of Carlisle, LLC**

Applicant Address: 11 Pleasant Hill Court, Dillsburg, PA 17019

Application Number: **PAD210090**

Application Type: New

Municipality/County: Carlisle Borough, **Cumberland County**

Total Earth Disturbance Area (acres): 4.66 acres

Surface Waters Receiving Stormwater Discharges: UNT to Letort Spring Run (HQ-CWF, MF) and Letort Spring Run (HQ-CWF, MF)

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

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

Project Description: 37 Unit Residential Townhouse Development

Special Conditions: N/A

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Stoner's Hijos Hill, Inc. 7678 Oellig Road Mercersburg, PA 17236	Franklin County	1,318	1,450.30	Dairy	NA	Renewal
Glendon Nolt CAFO 222 Long Road Lenhartsville, PA 19534	Berks County	3.5	115.08	Duck and Sheep	NA	Renewal
Zimmerman Layer Operation 315 Green Valley Road Landisburg, PA 17040	Perry County	150.1	404.25	Poultry Layers	EV	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

Central Office: Safe Drinking Water Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-772-4477.

Contact: Jacob Fogarty, Environmental Engineer.

Application No. 9996631, Bottled Vended Bulk Retail, Public Water Supply.

Applicant **Newport Springs**

Address	455 Great Smoky Mtns. Rd Newport, TN 37821
Municipality	Out of State Municipality Borough
County	Out of State
Responsible Official	Jennifer Rock 159 S. Stark Hwy. Weare, NH 03281
Application Received	May 4, 2023
Description	Application to sell 2.5L bottle water product in the state of PA

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

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

Application No. 3623516, Construction, Public Water Supply.

Applicant	Solanco School District
Address	121 S. Hess Street Quarryville, PA 17566
Municipality	Fulton Township
County	Lancaster County
Responsible Official	Sandra Tucker 121 S. Hess Street Quarryville, PA 17566
Consulting Engineer	Steckbeck Engineering & Surveying, Inc. 279 North Zinns Mill, Suite A Lebanon, PA 17042
Application Received	May 1, 2023
Description	Modifications to the existing treatment system including pressure tank replacement, well pump replacement, chemical feed pump replacements, contact tank installation, and installation of online instrumentation.

Application No. 3623518, Construction, Public Water Supply.

Applicant **East Petersburg Borough**
 Address 6040 Main Street
 East Petersburg, PA 17520
 Municipality East Petersburg Borough
 County **Lancaster County**
 Responsible Official Scott Liggins
 6040 Main Street
 East Petersburg, PA 17520
 Consulting Engineer ARRO Consulting, Inc.
 108 West Airport Road
 Lititz, PA 17543
 Application Received May 12, 2023
 Description Replacement of the Graver
 Spring raw water pumps.

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

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

Application No. 1523516, Construction, Public Water Supply.

Applicant **Hostettler's Market**
 Address 479 Limestone Road
 Oxford, PA 19363
 Municipality Lower Oxford Township
 County **Chester County**
 Responsible Official William Hostetter
 479 Limestone Road
 Oxford, PA 19363
 Consulting Engineer James R Holley
 18 South George Street
 Suite 300
 York, PA 17401
 Application Received May 17, 2023
 Description Addition of nitrate treatment
 and replacing UV light system.

MINOR AMENDMENT

Application(s) Received Under the Pennsylvania Safe Drinking Water Act.

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

Contact: RA-EPSWSDW@pa.gov.

Application No. 1123504-R, Reserve Source Designations, Minor Amendment, Public Water Supply.

Applicant **St. Francis University of Pennsylvania**
 Address 117 Lakeview Drive
 Loretto, PA 15940
 Municipality Loretto Borough
 County **Cambria County**
 Responsible Official David Teeter
 117 Lakeview Drive
 Loretto, PA 15940
 Application Received March 28, 2023

Description

Application received for the designation of Well No. 5 as a reserve source for St. Francis University of Pennsylvania.

Application No. 6523510, Construction/Operation, Minor Amendment, Public Water Supply.

Applicant **New Kensington Municipal Authority**
 Address 920 Barnes Street
 New Kensington, PA 15068
 Municipality City of New Kensington
 County **Westmoreland County**
 Responsible Official James Matta
 920 Barnes Street
 New Kensington, PA 15068
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 P.O. Box 853
 Latrobe, PA 15650
 Application Received May 8, 2023
 Description Application received for the construction and operation of caustic soda for pH adjustment at New Kensington Municipal Authority's H. Burns Smith Water Treatment Plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period

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

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

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

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

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.

Cambridge Crossing, Phases II & III, Primary Facility ID # **866779**, Biglerville Road and Boyds School Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**. Barry Isett & Associates, 5420 Crackersport Road, Allentown, PA 18104 on behalf of Cambridge Crossing 1, LLC, 160 Ram Drive, Hanover, PA 17331, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate groundwater contaminated with TCE. The site will be remediated to the Background & Statewide health standards. Future use of the site is residential. The Notice of Intent to Remediate was published in *Gettysburg Times Publishing, LLC* on May 9, 2023. Application received: May 16, 2023.

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

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Holmesburg Shopping Center, Primary Facility ID # **866077**, 8423-8455 Frankford Avenue, Philadelphia, PA 19136, City of Philadelphia, **Philadelphia County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Paul Seo, North City Development Company, 500 Cottman Avenue, Cheltenham, PA 19012, submitted a Notice of Intent to Remediate. Soil at the site has been found to be contaminated with petroleum. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Northeast Times* on April 19, 2023. Application received: April 12, 2023.

Llanerch Shopping Center, Primary Facility ID # **843324**, 403 West Chester Pike, Havertown, PA 19083, Haverford Township, **Delaware County**. Jason Hanna, Langan Engineering, 2400 Ansys Drive, Canonsburg, PA 15317 on behalf of Jim Bladel, Llanerch Shopping Center,

LP, 1301 Lancaster Avenue, Berwyn, PA 19312, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with 1,2,3-Trichlorobenzene, 1,2,4-trichlorobenzene, chloroform, tetrachloroethene (PCE), trichloroethylene (TCE), 2-methylnaphthalene, dibenzofuran, naphthalene, arsenic, barium, cadmium, cobalt, iron, manganese, and thallium in groundwater and Benzo(a)pyrene, dibenzo(a,h)anthracene, naphthalene, arsenic, and thallium in soil. The site is currently developed with a commercial plaza with shopping and medical offices; that use is planned to continue. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Marketplace Classifieds* on March 29, 2022. Application received: April 6, 2023.

68 Red Rose Drive Transformer Spill, Primary Facility ID # **865881**, 68 Red Rose Drive, Levittown, PA 19456, Middletown Township, **Bucks County**. Chris Zeliznak, PG, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103, submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with PCBs. The site contamination was from a damaged pole-mounted electrical transformer. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Bucks County Courier Times* on April 9, 2023. Application received: April 6, 2023.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

OPERATING PERMITS

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

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

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6328.

10-00028, Armstrong Cement & Supply, 100 Clearfield Road, Cabot, PA 16023, Winfield Township, **Butler County**. Application received: March 29, 2022. The Department intends to issue a renewal of the Title V Permit to Armstrong Cement and Supply for the operation of a cement manufacturing facility. The facility's major emission sources include raw material stockpiles, primary and secondary crushers for raw materials, material conveyance systems, cement kilns, finish mills, and miscellaneous support operations. The permit contains the National Emission Standards for Hazardous Air Pollutants (NESHAPs) from the Portland Cement Manufacturing Industry (40 CFR 63 Subpart LLL) and the NESHAPs for Stationary Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ). The permit contains the applicable Federal and State requirements to ensure compliance with the Air Pollution Control Act. The permit incorporates the RACT III presumptive requirements (Sections 129.111, 129.112, and 129.115). The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit particulate matter less than ten microns in diameter, sulfur oxides, and nitrogen oxides. The facility is therefore subject to the Title V Operating Permit require-

ments adopted in 25 Pa. Code Chapter 127, Subchapter G. The actual emissions reported by the facility for 2021 were 31.9 TPY CO, 289.6 TPY NO_x, 3.74 TPY PM₁₀, 1.45 TPY PM_{2.5}, 683.21 TPY SO_x, and 2.35 TPY VOC. Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Any person wishing to provide the Department of Environmental Protection with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the Department at the previously listed address. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 10-00028) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Eric A. Gustafson, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew Williams, Facilities Permitting Chief, Air Quality Program, at the same address or phone at (814) 332-6131.

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

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

46-00011, Cleveland Cliffs Plate/Conshohocken, 900 Conshohocken Rd, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Application received: December 22, 2022. Received: December 22, 2022.

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO_x and VOCs for the 2015 ozone NAAQS), the Pennsylvania Department of Environmental Protection (Department, DEP) has made a preliminary determination to approve a RACT III alternate compliance plan for Cleveland Cliffs Plate LLC. The RACT III alternate compliance plan, if approved by the Department, will be issued as a significant modification to the facility's Title V operating permit (46-00011).

The RACT III alternate compliance plan incorporates provisions and requirements for the control of emissions of nitrogen oxides (NO_x) and Volatile Organic Compounds (VOC's). These provisions and requirements are intended to address the Commonwealth's RACT obligations under section 184 of the Clean Air Act for the 2015 8-hour ozone National Ambient Air Quality Standards. The RACT III alternate compliance plan does not adopt any new regulations. If approved by the Department, this RACT III

alternate compliance plan will be submitted to the United States Environmental Protection Agency (EPA) for a revision to the Commonwealth's State Implementation Plan (SIP). Requirements that are not part of the RACT III alternate compliance plan will be excluded from the SIP revision submittal.

The following is a summary of the RACT III alternate compliance requirements for this facility that are proposed to be submitted to the EPA as a revision to the Commonwealth's SIP, found in the Title V Operating Permit:

<i>Source ID</i>	<i>Source Name</i>	<i>RACT III Determination</i>	<i>Change to TVOP Condition No.</i>	<i>Citation</i>	<i>Current RACT Control</i>	<i>RACT III Control Update</i>
033	3-emergency diesel generators	Presumptive NO _x and VOC	Section D, condition No. 007	25 Pa. Code § 129.112(c)(10)	GCP	GCP
105	Misc Cutting/Heating	Presumptive NO _x	Section D, condition No. 006	25 Pa. Code § 129.112(c)(1)	GCP	GCP
154	Steckel Mill Furnaces A&B	Presumptive NO _x	Section D, condition No. 009	25 Pa. Code § 129.112(c)(1)	GCP	GCP
102	Quench Furnace	Alternate Analysis NO _x Presumptive VOC	Section D, condition No. 011	25 Pa. Code § 129.112(c)(2)	GCP	GCP
106	Rose Annealing Furnace	Alternate Analysis NO _x Presumptive VOC	Section D, condition No. 011	25 Pa. Code §§ 129.112(c)(2) and 129.114(a)	GCP	GCP
110	Slab Heating Furnace 1	Alternate Analysis NO _x and VOC	Section D, condition No. 009	25 Pa. Code § 129.114(a)	GCP	GCP
110	Slab Heating Furnace 2	Alternate Analysis NO _x and VOC	Section D, condition No. 009	25 Pa. Code § 129.114(a)	LNB + FGR + GCP	LNB + FGR + GCP
152	Temper Furnace	Alternate Analysis NO _x *	Section D, condition No. 011	25 Pa. Code § 129.114(a)	GCP	GCP

GCP means Good combustion Practices
LNB means Low Nitrogen Oxide Burner
FGR means Flue Gas Recirculation

A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests or objections may be submitted to Janine Tulloch-Reid, Environmental Engineering Manager, Air Quality Program, at 2 E. Main Street, Norristown, PA 19401, or at <mailto:jtullochre@pa.gov> on or before the closing date of this 30-day public comment period. The 30-day public comment period closes on July 3rd, 2023.

Each written submission must contain the name, address and telephone number of the person submitting the comments, identification of the RACT III alternate compliance plan, including the permit number, and a concise statement regarding the RACT III alternate compliance plan provision or requirement that the person is commenting on and the relevancy of the information or objections to issuance of the RACT III alternate compliance plan.

A public hearing will be held on July 5, 2023 at 1:30 p.m. at the DEP Southeast Regional Office, 2 E. Main Street,

Norristown, PA 19401, to accept oral comments on the proposed RACT III alternate compliance plan action and the proposed SIP revision. To register to speak at the hearing, please contact Ms. Stephanie Berardi, Community Relations Coordinator, at sberardi@pa.gov or 484.250.5808. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be Friday, June 30, 2023.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days thereafter to Janine Tulloch-Reid at 2 E. Main Street, Norristown, PA 19401, or at jtullochre@pa.gov.

All pertinent documents are available electronically for public review and copies can be requested by contacting Janine Tulloch-Reid at 484-250-5920 or at jtullochre@pa.gov.

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.

08-00027, Oak Hill Veneer, Inc., P.O. Box 304, Troy, PA 16947, Troy Township, **Bradford County**. Application received: October 25, 2022. The Department intends to issue a renewal State Only (Synthetic Minor) operating permit for the wood veneer mill. The facility's main sources include one (1) 16.26 million Btu per hour, wood-fired boiler, the air contaminant emissions from which are controlled by a multi-clone collector (Source 031), one (1) 14.7 million Btu per hour, natural gas-fired Hurst boiler (Source 032), two veneer dryers (Source P101), and woodworking equipment and wood storage operation, the air contaminant emissions from which are controlled by a cyclone (Source P102). The facility has potential to emit 45.56 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 7.86 tpy of nitrogen oxides, 97.97 tpy of carbon monoxide, 1.78 tpy of volatile organic compounds, and 1.79 tpy of sulfur oxides. The wood-fired boiler is subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. 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 Part 63 and 98. 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.

32-00013, Indiana Regional Medical Center, 835 Hospital Road, Indiana, PA 15701, White Township, **Indiana County**. Application received: May 26, 2022. The Department intends to issue the renewal of the State Only Operating Permit for Indiana Regional Medical Center. The facility is a Natural Minor. The primary sources at the facility consist of 3 natural gas or No. 2 fuel-oil boilers rated at 20.9 MMBtu/hr, 24.48 MMBtu/hr and 25.12 MMBtu/hr; and 4 diesel fired emergency generators rated at 155 kW and three at 1,000 kW fuel. The potential emissions for this facility are estimated at 57 tpy NO_x, 32 tpy CO, 98 tpy SO_x, 5 tpy PM and 6 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act and is subject to 40 CFR Part 60 Subpart Dc and IIII.

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.

38-03047, Department of Military and Veteran's Affairs, Fort Indiantown Gap, Environmental Office, Bldg. 0-11, Annville, PA 17003, Union Township, **Lebanon County**. Application received: June 22, 2022. For the operation of a military support facility. The facility has the potential to emit about 3.43 tons per year of SO_x, 51.91 tons per year of NO_x, 20.25 tons per year of VOCs, 11.19 tons per year of CO, and 2.03 tons per year of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52, 40 CFR 60 Subpart IIII and 40 CFR 60 Subpart JJJJ.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

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

Coal Applications

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

Table 1

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

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

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

Contact: Bonnie Herbert, Clerical Assistant.

Mining Permit No. 17071301. NPDES No. PA0235784. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Burnside Township, **Clearfield County.** To revise the permit and related NPDES permit to add the Lower Kittanning coal seam to the mining plan, affecting 9.1 proposed subsidence control plan acres. Application received: March 17, 2023. Accepted: May 16, 2023.

Mining Permit No. 30841307. NPDES No. PA0213438. Iron Emerald, LLC, 200 Evergreene Drive, P.O. Box 1020, Waynesburg, PA 15370, Franklin Township, **Greene County.** To transfer the permit and related NPDES permit to change the name from Emerald Contura, LLC, effective on April 8, 2021. Application received: March 20, 2023. Accepted: May 17, 2023.

Mining Permit No. 30841316. NPDES No. PA 0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Aleppo Townships, **Greene County.** To revise the permit and related NPDES permit for development mining only, affecting 4,418.26 proposed underground acres and 4,418.26 proposed subsidence control plan acres. Application received: March 22, 2023. Accepted: May 18, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54111302. M & D Anthracite Coal Company, 71 Hill Road, Hegins, PA 17938, Cass Township, **Schuylkill County.** Renewal of an anthracite underground mine operation affecting 2.1 acres. Receiving stream. West Branch Schuylkill River, classified for the following uses: CWF, MF. Application received: May 12, 2023.

Noncoal Applications

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

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

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

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

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

Mining Permit No. 56090301. NPDES No. PA0262846. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Jefferson Township, **Somerset County.** Permit modification to encompass permit numbers 4074SM12 & 56010301 with this large industrial mineral mine. Total permit acres will be 577.4. Receiving stream: unnamed tributary to Kooser Run and unnamed tributaries to Shafer Run (tributaries

to Laurel Creek), classified for the following use: HQ-CWF. Application received: May 11, 2023.

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

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

Mining Permit No. 33020303. NPDES No. PA0242144. Glen-Gery Corporation, 1166 Spring Street, P.O. Box 7001, Wyomissing, PA 19610, Oliver Township, **Jefferson County.** Renewal of an NPDES permit. Application received: May 19, 2023.

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

Contact: Cassie Stanton, Clerical Assistant.

Mining Permit No. 08230301. NPDES No. PA0270041. Bishop Brothers Construction Company, Inc., 1376 Leisure Drive, Towanda, PA 18848, Athens Borough, **Bradford County**. Permit application for a new large noncoal (industrial minerals) surface mine affecting 360.7 acres. Receiving stream(s): Tutelow Creek & Chemung River classified for the following use(s): WWF, MF. The surface mining operation proposes to conduct blasting. A land use change from Cropland to a Water Impoundment and Forestland to Unmanaged Natural Habitat is proposed with this application. Variances are proposed to conduct mining and support activities within 100 feet of several streams. A bridge crossing is proposed to be installed over Tutelow Creek. A culvert pipe crossing is proposed to be installed in an unnamed tributary to Tutelow Creek. Mining and support activities are proposed within 100 feet of an unnamed tributary to Tutelow Creek and Tutelow Creek itself. Mining and Support activities are proposed within the floodway of Tutelow Creek and Chemung River. Application received: May 15, 2023. Accepted: May 18, 2023.

ABANDONED MINE RECLAMATION LETTERS OF INTEREST

Under Act 181 of 1984, the Department of Environmental Protection is soliciting interest/reclamation proposals from landowners, licensed mine operators, and/or eligible reclamation contractors for the reclamation of the following abandoned strip mine:

Project No. 14080101.1, Snowshoe Township and Burnside Township, **Centre County**, 3.5 acres.

Warren C. Hartman Cont. Snowshoe & Mine # 66 Operation Burnside Townships Centre 3.5 SMP 14081010. A pre-proposal site meeting is scheduled for Wednesday, June 14, 2023 at 10:00 AM on site to tour the reclamation area with all interested parties. Preregistration is necessary via a letter of interest or verbal confirmation through Scott Hammond, Mining Permit and Compliance Specialist, Moshannon District Office, Department of Environmental Protection, 186 Enterprise Drive, Philipsburg, PA 16866, no later than 3:30 PM, June 12, 2023.

Telephone inquiries shall be directed to Scott Hammond at 814.342.8200 (office) or 814.505.3252 (cell) or by email at scotthammo@pa.gov. Proposal documents package will be provided at meeting. Only proposals from those in attendance will be considered for this contract. *Project Overview:* Work will be done on a reclaimed mine land located on Pennsylvania State Game Land # 100. Work will consist of grading of an existing stormwater management pond to improve access and habitat for wildlife; construction of a 580-foot long, vegetated stormwater diversion swale; seeding, mulching, and revegetation of all disturbed and reclaimed areas according to Pennsylvania State Game Commission (PGC) specifications; preserving and rehabilitating the existing access road should any damage occur; implementation of E&S controls and removal of those controls when stabilization is achieved. Contractor shall comply with all PGC regulations and obey any restrictions to site access and working during all hunting seasons.

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

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. PA0279641. Mining Permit No. 56180102. Heritage Coal & Natural Res LLC, 550 Beagle Road, Rockwood, PA 15557, Stonycreek Township, **Somerset County**. Renewal of an NPDES permit affecting 101.3 acres related to a coal mining activity permit. Receiving stream: unnamed tributary to Boone Run, classified for the following use: CWF. The receiving stream is included in the Kiski-Conemaugh TMDL. Application received: April 26, 2023.

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

The following outfalls discharge to unnamed tributary to Boone Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	Existing	TFO	Precipitation Induced
003	Existing	SWO	Precipitation Induced

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	1.5	3.0	3.7
Total Manganese (mg/L)	XXX	1.0	2.0	2.5
Total Aluminum (mg/L)	XXX	0.75	0.75	0.75
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report

This mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

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

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

NPDES No. PA0258547. Mining Permit No. 33080105. Original Fuels, Inc., P.O. Box 343, Punxsutawney, PA 15767, Perry Township, Young Township, **Jefferson County**. Renewal of an NPDES permit. Application received: April 4, 2023.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities. The following treated wastewater outfalls discharge to unnamed tributaries to Mahoning Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	SWO	0.355
002	Existing	SWO	0.329
003	Existing	SWO	0.120
004	Existing	SWO	0.357
005	Existing	SWO	0.294
006	Existing	SWO	0.220
007	Existing	TFO	0.072
008	Existing	TFO	0.072

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

<i>Parameter (unit)</i>	<i>Maximum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

<i>Parameter (unit)</i>	<i>Maximum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
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¹The parameter is applicable at all times.

Noncoal NPDES Draft Permits

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

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

NPDES No. PA0269107. Mining Permit No. 32230301. ABM Mining Company, Inc., 3330 Johnston Road, Smicksburg, PA 16256, Grant Township, **Indiana County.** Renewal/revision of an NPDES permit affecting 41.6 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributary to Little Mahoning Creek and unnamed tributary to/and Rairigh Run, classified for the following use: HQ-CWF. Application received: February 2, 2023.

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

There will be no point source discharges from the treatment facilities. Point source discharges from the emergency spillways of stormwater facilities will occur for precipitation in excess of the 10-year 24-hour event.

The following stormwater emergency spillway outfalls discharge to unnamed tributary to Little Mahoning Creek and unnamed Tributary to/and Rairigh Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
003 (SP-1)	Existing	Stormwater	Precipitation Induced
004 (SP-2)	Existing	Stormwater	Precipitation Induced
005 (SP-3)	Existing	Stormwater	Precipitation Induced
006 (SP-4)	Existing	Stormwater	Precipitation Induced

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (mg/L)	XXX	XXX	XXX	90.0
pH (S.U.)	6.0	XXX	XXX	9.0

The following treatment facility outfalls discharge infiltration galleries:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002 (TF-2)	Existing	Pit water	Precipitation Induced

The proposed effluent limits for discharge to infiltration galleries from the stormwater and treatment facility outfalls are as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	XXX	XXX	7.0
Total Manganese (mg/L)	XXX	XXX	XXX	5.0
Total Aluminum (mg/L)	XXX	XXX	XXX	5.0
Total Suspended Solids (mg/L)	XXX	XXX	XXX	90.0
pH (S.U.)	6.0	XXX	XXX	9.0

NPDES No. PA0594407. Mining Permit No. 01740601. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Cumberland Township, **Adams County.** Renewal of an NPDES permit affecting 122.5 acres. Receiving stream: Rock Creek, classified for the following use: WWF. Application received: April 3, 2023.

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 Rock Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	TFO	0.65 MGD
002	Existing	SWO	Precipitation Induced

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

<i>Outfalls: 001 (All Discharges)</i>		<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
<i>Parameter (unit)</i>	<i>Minimum</i>			
Total Suspended Solids (ml/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Flow (mgd)	XXX	1.5	XXX	Report

<i>Outfalls: 002 (Dry Weather Discharges)</i> <i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (ml/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Flow (mgd)	XXX	XXX	XXX	Report
<i>Outfalls: 002 (10-yr/24-hr Precip. Event)</i> <i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Flow (mgd)	XXX	XXX	XXX	Report
<i>Outfalls: 002 (>10-yr/24-hr Precip. Event)</i> <i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	XXX	XXX	9.0

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

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

NPDES No. PA0259080. Mining Permit No. 10110303. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Washington Township, Butler County. Renewal of an NPDES permit. Application received: April 10, 2023.

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 tributaries North Branch and Slippery Rock Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	SWO	0.07
002	Existing	SWO	0.19
003	Existing	SWO	0.13
004	Existing	SWO	0.58
005	Existing	SWO	0.22
006	Existing	TFO	0.072
007	Existing	TFO	0.072
008	Existing	TFO	0.072
009	Existing	TFO	0.072
010	Existing	TFO	0.072
011	Existing	TFO	0.072

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0612791. Mining Permit No. 06820601. Southern Berks Land Co., LP, 200 Bethlehem Drive, Suite 106, Morgantown, PA 19543, New Morgan Borough & Caernarvon Township, Berks County. Application received: March 13, 2023.

Modification of NPDES Permit to remove discharge volume limit from Stormwater Outfall 001 affecting 93.2 acres. Receiving stream: UNT to East Branch Conestoga River, classified for the following use: WWF.

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 UNT to East Branch Conestoga River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Stormwater	Precipitation Dependent

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>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)		Precipitation	Dependent	

¹This Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

E1302223-001. Lehigh Canal Recreation Commission, 1 Constitution Ave., Lehighon, PA 18235-2088, Franklin Township, **Carbon County**. U.S. Army Corps of Engineers Philadelphia District. Application received: April 24, 2023.

To stabilize the western canal bank in the area of the Long Run Creek confluence with the Lehigh Canal (CWF,

MF), and to restore two overflow spillways, and the reestablishment of a historic spillway south of Long Run along the Weisport Section of the Lehigh Canal. The project is located in Franklin Township, Carbon County, PA Quadrangle Latitude: 40° 50' 58"; Longitude: -75° 42' 30". (Lehighon, PA Quadrangle, Latitude: 40° 50' 58"; Longitude: -75° 42' 30").

E3502223-003. Jessup Borough, 395 Lane Street, Jessup, PA 18434, Jessup Borough, **Lackawanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 12, 2023.

To construct and maintain a stormwater outfall into the floodway of the Lackawanna River (HQ-CWF, MF) consisting of a single 30-inch smooth lined corrugated pipe discharging through a retaining wall with a concrete end wall and R-8 riprap apron. The project is located on Bridge Street approximately 0.2 mile from the intersection of Constitution Ave. (Olyphant, PA Quadrangle Latitude: 41° 28' 41"; Longitude: -75° 34' 34") in Jessup Borough, Lackawanna County.

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

Contact: 717-705-4802.

E0603223-008. Maiden Creek Township, Quarry Road, P.O. Box 319, Blandon, PA 19510-0319, Maiden Creek Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: March 28, 2023.

The applicant proposes to perform maintenance on an existing box culvert conveying Willow Creek (HQ-CWF, MF) in Maiden Creek Township, Berks County. The maintenance includes 1) removing the deposited silt build-up/sediment bar located upstream from the culvert as well as within the northern cell, 2) restore the eroded streambank to conditions approved under E06-291, 3) installation of streambank stabilization measures, and 4) establishment of a low-flow channel. The purpose of the work is to restore the hydraulic capacity of the box culvert and the stream channel to reduce the potential for overtopping West Walnut Drive during high flow storm events and prevent further erosion that could impact the embankment supporting the roadway. All wetland impacts are below de minimus. Latitude: 40.4500000000000°, Longitude: -75.8722222222222°.

E2203223-004. Anthea Stebbins, 2 South Second Street, Harrisburg, PA 17101-2047, Susquehanna Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 23, 2023.

The applicant proposes to 1) install approximately 260 linear feet of streambank stabilization on the southern bank of Fishing Creek (WWF, MF) using an imbricated riprap wall and 2) installation of a flagstone patio. All impacts are for the purpose of preventing erosion of the

southern bank of Fishing Creek. The project is located Latitude: 40.343666, Longitude: -76.909688 in Susquehanna Township, Dauphin County. There are no wetland impacts associated with the project. Latitude: 40.343666°, Longitude: -76.909688°.

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

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

E0901223-005. Chalfont Borough, 40 North Main Street, Chalfont, PA 18914, Chalfont Borough, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 3, 2023.

Chalfont Borough is proposing the construction and maintenance of 1,380 linear feet of 8-foot wide bituminous multi-use on-grade trail associated with The Northern Neshaminy Greenway Trail, along the west bank of the North Branch of Neshaminy Creek (TSF). There are no wetland impacts. There is approximately 500 sq feet of permanent floodway impacts. The trail will connect the Patriot Place, Lindenfield, and Chestnut Street neighborhoods. The site is located in the northeast portion of the Borough along the North Branch Neshaminy Creek, (Doylestown, PA USGS map) in Chalfont Borough, Bucks County. Latitude: 40.293416°, Longitude: -75.207579°.

E4601223-021. Skippack Township, 4089 Heckler Road, Skippack, PA 19474, Skippack Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: May 9, 2023.

To construct and maintain about 21 poured-in-place concrete stepping stones within the 100-year floodway of the East Branch Perkiomen Creek (EV-TSF), associated with the Lenape Park Trail Connector. The site is located within Lenape Park about 0.25 mile southeast from Haldeman Road (Collegeville; Perkiomenville, PA, USGS Quadrangle) in Skippack Township, Montgomery County. Latitude: 40.250887°, Longitude: -75.455483°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205223-003. Crescent Township, 225 Spring Run Road, Crescent, PA 15046, Crescent Township, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: January 18, 2023.

The applicant proposed to: 1. Construct and maintain streambank stabilization along approximately 325 LF of an unnamed tributary (UNT) to Shouse Run (WWF), by creating a bench approximately 6 inches high by 5 feet wide or installing coir logs where streambanks are too steep for bench installation; 2. Place and maintain riparian buffer plantings within the floodway of the aforementioned UNT, within an area that is approximately 716 LF by 70 feet in width, which will overlap the streambank stabilization area; 3. Construct and maintain a stilling basin, 11 feet by 8 feet, within the same UNT, below the outlet of the culvert underneath McGovern Boulevard, and immediately upstream of the streambank stabilization area; 4. Construct and maintain a temporary stream crossing in the same UNT to access both streambanks; and 5. Construct and maintain temporary erosion & sediment control measures. For the purpose of reducing erosion of streambanks, providing shade to the adjacent stream, and serving as a filter for adjacent overland runoff, to satisfy the municipality's Municipal Separate Storm Sewer (MS4) requirements of their National Pollutant Discharge Elimination System (NPDES) Permit (PAG136127). The project will permanently impact approximately 336 LF of watercourse, and 1.15 acres of floodway. The project will temporarily impact approximately 331 LF of the watercourse and 0.48 acre to the floodway. The project site is located near the intersection of McGovern Blvd and Maple St. (Ambridge, PA USGS topographic quadrangle; N: 40° 33' 54", W: 80° 13' 43"; Sub-basin 20G).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0248312	CAFO Individual NPDES Permit	Issued	Willow Behrer Farm LLC 3288 Behrer Lane Spruce Creek, PA 16683-1500	Franklin Township Huntingdon County	SCRO
PA0266574	CAFO Individual NPDES Permit	Issued	Lefever John R 1045 Holtwood Road Quarryville, PA 17566-9729	Drumore Township Lancaster County	SCRO
PA0281727	CAFO Individual NPDES Permit	Issued	Hamilton Farms LLC 10049 Ferguson Valley Road Lewistown, PA 17044-8601	Adams Township Snyder County	SCRO
PAD020059	Chapter 102 Individual NPDES Permit	Issued	Millvale Sportsmans Club Inc. 170 Sunny Hill Road Wexford, PA 15090-7942	Marshall Township Allegheny County	SWRO
PAD150235	Chapter 102 Individual NPDES Permit	Issued	Traditions of American LP 1235 Westlakes Drive Suite 300 Berwyn, PA 19312-2401	West Brandywine Township Chester County	SERO
PAD380020	Chapter 102 Individual NPDES Permit	Issued	Inchs Properties LLC 400 Elmwood Boulevard York, PA 17403-1919	North Lebanon Township Lebanon County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD390249	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 1639 Church Road Allentown, PA 18104-9342	Lower Macungie Township Lehigh County	NERO
PAD390256	Chapter 102 Individual NPDES Permit	Issued	Exeter 1108 American Land LLC 100 Passaic Avenue Fairfield, NJ 07004-3520	Allentown City Lehigh County	NERO
PAD550004	Chapter 102 Individual NPDES Permit	Issued	Brubaker Amos 2050 Troxelville Road Middleburg, PA 17842-8588	Center Township Snyder County	NCRO
PAD550006	Chapter 102 Individual NPDES Permit	Issued	Parthemer Richard E 1445 Parthemer Road McClure, PA 17841-8160	West Beaver Township Snyder County	NCRO
PA0245500	Industrial Stormwater Individual NPDES Permit	Issued	Darling Ingredients Inc. 4221 Alexandria Pike Cold Spring, KY 41076-1821	Honey Brook Township Chester County	SERO
PAS806111	Industrial Stormwater Individual NPDES Permit	Issued	Old Dominion Freight Line Inc. 500 Old Dominion Way Thomasville, NC 27360-8923	North Strabane Township Washington County	SWRO
0123803	Joint DEP/PFBC Pesticides Permit	Issued	Beech Springs Tree Farm 784 Mt Carmel Road Orrtanna, PA 17353	Franklin Township Adams County	SCRO
5023801	Joint DEP/PFBC Pesticides Permit	Issued	Snyder Robert H 80 Amity Road Duncannon, PA 17020-7003	Watts Township Perry County	SCRO
0915401	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Toll PA II LP 1140 Virginia Drive Fort Washington, PA 19034	Buckingham Township Bucks County	SERO
PA0234117	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	West Branch Region Authority 127 Girton Drive Muncy, PA 17756-6375	Clinton Township Lycoming County	NCRO
PA0070114	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Diversified Management Solutions LLC P.O. Box 133 Selinsgrove, PA 17870-0133	Union Township Schuylkill County	NERO
PA0091316	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Barbara J and Edward J Tanski 854 Evans City Road Renfrew, PA 16053-9206	Connoquenessing Township Butler County	NWRO
PA0101478	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	SNPJ 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	NWRO
PA0101478	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	SNPJ 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	NWRO
PA0101478	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	SNPJ Recreation Center Inc. 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0114898	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Madison Township Municipal Authority Columbia County P.O. Box 620 Millville, PA 17846-0620	Madison Township Columbia County	NCRO
PA0219169	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Laurel Highland Municipal Authority P.O. Box 93 Rockwood, PA 15557-0093	New Centerville Borough Somerset County	SWRO
PA0239739	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Bear Creek Watershed Authority 259 Argyle Street Petrolia, PA 16050-9702	Fairview Township Butler County	NWRO
0604401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Berks County Region Airport Authority 2385 Bernville Road Reading, PA 19605-9400	Bern Township Berks County	SCRO
0364S42	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	SNPJ 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	NWRO
0364S42	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	SNPJ 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	NWRO
0364S42	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	SNPJ Recreation Center Inc. 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	NWRO
3811404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Fredericksburg S&W Authority Lebanon Co. P.O. Box 161 Fredericksburg, PA 17026-0161	Bethel Township Lebanon County	SCRO
0465S26	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Point Marion Borough Fayette County P.O. Box 236 Point Marion, PA 15474-0236	Point Marion Borough Fayette County	SWRO
5469406	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Diversified Management Solutions LLC P.O. Box 133 Selinsgrove, PA 17870-0133	Union Township Schuylkill County	NERO
NOEXNW077	No Exposure Certification	Issued	Klein Plating Works Inc. 2020 Greengarden Road Erie, PA 16502-2194	Erie City Erie County	NWRO
NOEXSW015	No Exposure Certification	Issued	Jeld Wen Inc. 172 Plummer Road Sidman, PA 15955	Croyle Township Cambria County	SWRO
PAG030151	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Moyer & Son Inc. 113 E Reliance Road Souderton, PA 18964-1336	Telford Borough Montgomery County	SERO

<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>
PAG030213	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Suburban Heating Oil Partners LLC P.O. Box 206 240 Route 10 W Whippany, NJ 07981-0206	Pottstown Borough Montgomery County	SERO
PAG032339	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mitsubishi Chemicals Adv Mat Inc. 900 N South Road Scranton, PA 18504-1412	Scranton City Lackawanna County	NERO
PAG032343	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mitsubishi Chemicals Adv Mat Inc. 900 N South Road Scranton, PA 18504-1412	Scranton City Lackawanna County	NERO
PAG033750	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Bally Block Co. 30 S 7th Street Bally, PA 19503-9665	Bally Borough Berks County	SCRO
PAG034904	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Harmony Gas Oil & Coal LLC 437 Northern Potter Road Ulysses, PA 16948-9571	Bingham Township Potter County	NCRO
PAG036116	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sunoco Pipeline LP 5733 Butler Street Pittsburgh, PA 15201-2115	Brighton Township Beaver County	SWRO
PAG036129	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hydro Recovery LP 1975 Waddle Road State College, PA 16803-1639	Hanover Township Washington County	SWRO
PAG036358	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Novak Auto Parts Inc. 1640 Route 68 New Brighton, PA 15066-4214	New Sewickley Township Beaver County	SWRO
PAG036366	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Joseph J Brunner Inc. 211 Brunner Road Zelienople, PA 16063-3505	New Sewickley Township Beaver County	SWRO
PAG046360	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Berger Michael 348 Scaife Road Sewickley, PA 15143-9462	Sewickley Heights Borough Allegheny County	SWRO
PAG066113	PAG-06 NPDES General Permit for Combined Sewer Systems	Issued	Aspinwall Borough Allegheny County 217 Commercial Avenue Aspinwall, PA 15215-3024	Aspinwall Borough Allegheny County	SWRO
PAG076106	PAG-07 General Permit for Beneficial Use of Exceptional Quality Biosolids	Issued	Windber Area Authority Somerset County 1700 Stockholm Avenue Windber, PA 15963-2059	Richland Township Cambria County	SWRO
PAG086107	PAG-08 General Permit for Beneficial Use of Biosolids	Issued	Point Marion Borough Fayette County P.O. Box 236 Point Marion, PA 15474-0236	Point Marion Borough Fayette County	SWRO
PAG123562	PAG-12 NPDES General Permit for CAFOs	Issued	Nolt Cleason 351 Elco Drive Myerstown, PA 17067-2608	Jackson Township Lebanon County	SCRO
PAG123923	PAG-12 NPDES General Permit for CAFOs	Issued	Hissong Farmstead Inc. 6841 Buchanan Trail W Mercersburg, PA 17236-9570	Montgomery Township Franklin County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0217409	Sewage Treatment Facilities Individual WQM Permit	Issued	Allegheny CC 250 Country Club Road Sewickley, PA 15143-9449	Sewickley Heights Borough Allegheny County	SWRO
0623401	Sewer Extensions Individual WQM Permit	Issued	Spring Township Berks County 2850 Windmill Road Sinking Spring, PA 19608-1668	Spring Township Berks County	SCRO
PA0261483	Single Residence STP Individual NPDES Permit	Issued	Broad Top Township Bedford County P.O. Box 57 187 Municipal Road Defiance, PA 16633-0057	Broad Top Township Bedford County	SCRO
PA0265357	Single Residence STP Individual NPDES Permit	Issued	Daliman Christine 530 Blossom Avenue Campbell, OH 44405-1430	Green Township Forest County	NWRO
PA0265471	Single Residence STP Individual NPDES Permit	Issued	Kerle Daniel 3238 Waterson Road Strattanville, PA 16258	Clarion Township Clarion County	NWRO
WQG016156	WQG-01 WQM General Permit	Issued	Berger Michael 348 Scaife Road Sewickley, PA 15143-9462	Sewickley Heights Borough Allegheny County	SWRO

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>
PAC400266	PAG-02 General Permit	Issued	Wyoming Valley Sanitary Authority Jeff Colella P.O. Box 33A Wilkes-Barre, PA 18703-1333	Plains Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC090579	PAG-02 General Permit	Issued	Toll PA XVIII, LP 1140 Virginia Drive Fort Washington, PA 19034	Newton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@pa.gov
PAC090588	PAG-02 General Permit	Issued	Eastern Montgomery Properties, LLC 531 Old Mill Road Sellersville, PA 18960	West Rockhill Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x 110 RA-EPNPDES_SERO@pa.gov
PAC090551 A-1	PAG-02 General Permit	Issued	LPC 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 x 110 RA-EPNPDES_SERO@pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090137	PAG-02 General Permit	Issued	Green Top Management, LLC 2846 Main Street, 12A Morgantown, PA 19543-9490	West Rockhill Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x 110 RA-EPNPDES_SERO@ pa.gov
PAC460804	PAG-02 General Permit	Issued	Hatfield Township 1950 School Road Hatfield, PA 19440-1992	Hatfield Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460790	PAG-02 General Permit	Issued	JD Signature Homes 41 Byberry Road Hatboro, PA 19040-3210	Hatboro Borough Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460193	PAG-02 General Permit	Issued	Lower Perkiomen Valley Regional Sewer Authority 101 Station Avenue P.O. Box 297 Oaks, PA 19456	Upper Providence Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC610023	PAG-02 General Permit	Issued	Franklin Oil Region Credit Union 101 North 13th Street Franklin, PA 16323	Sugarcreek Borough Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832
PAC430089	PAG-02 General Permit	Issued	Mercer County Community Federal Credit Union 559 North Hermitage Road Hermitage, PA 16148	City of Hermitage Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC320058	PAG-02 General Permit	Issued	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Creekside Borough and Washington Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751
PAC630091A-3	PAG-02 General Permit	Issued	HCB Foundry, LLC 2127 Innerbelt Business Center Drive Suite 200 St. Louis, MS 63114	South Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC630033	PAG-02 General Permit	Issued	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Cecil Township and South Fayette Township Washington County and Allegheny County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO

NOTICES

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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>
PAC630273	PAG-02 General Permit	Issued	AEON Properties 8 Granview Drive Canonsburg, PA 15317	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 412-705-7098 SWRO
PAC010228	PAG-02 General Permit	Issued	John Aldridge 1B Mummert Drive Littlestown, PA 17340	Union Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 100 Gettysburg, PA 17325 717-334-0636
PAC360804	PAG-02 General Permit	Issued	GB&E Beechdale Farms 547 Gibbons Road Bird-In-Hand, PA 17505	Upper Leacock Township and East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360832	PAG-02 General Permit	Issued	John Esh 1736 Beaver Valley Pike Strasburg, PA 17579	Strasburg Township and Providence Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360847	PAG-02 General Permit	Issued	Kevyn Musser 878 South Colebrook Road Manheim, PA 17545	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360322A-5	PAG-02 General Permit	Issued	High Properties LP 1853 William Penn Way Lancaster, PA 17601	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360760A-1	PAG-02 General Permit	Issued	Wright Ebersole LLC P.O. Box 1908 Media, PA 19063	East Cocalico Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC670623	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Hanover Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670633	PAG-02 General Permit	Issued	Pejamani LLC 3207 Rowen Court York, PA 17403	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670615	PAG-02 General Permit	Issued	Store Cap York LP 9480 South Eastern Ave Suite 25L Las Vegas, NV 89123	West York Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

**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>
Sullivan Farm 372 Hemlock Hill Road Covington, PA 16917	Tioga County	170.5	3,036.6	Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained

from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

SAFE DRINKING WATER

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

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

Contact: Nicole Mechtly, Clerical Supervisor, 570-327-3490.

Construction Permit No. 4723501, Major Amendment, Public Water Supply.

Applicant	Pennsylvania Department of Transportation
Address	400 North Street 6th Floor Harrisburg, PA 17105
Municipality	Liberty Township
County	Montour County
Consulting Engineer	Patrick Ward 2009 North Atherton Street State College, PA 16803
Application Received	January 20, 2023
Permit Issued	May 17, 2023
Description	This permit approves replacement of the existing underground treatment vault with a new above ground building, including Greensand Plus filtration for iron and manganese removal, disinfection, detention time, booster pump station, and finished water storage at PennDOT Interstate 80 Stop 36 Westbound.

Construction Permit No. 5923501MA, Minor Amendment, Public Water Supply.

Applicant	USACE Cowanesque Lake South Shore Rec Area
Address	710 Ives Run Lane Tioga, PA 16946
Municipality	Lawrence Township
County	Tioga County
Consulting Engineer	Josephe E. Lichty 687 Berkshire Dr. State College, PA 16803
Application Received	March 28, 2023
Permit Issued	May 17, 2023
Description	This permit authorizes the construction of a concrete ringwall and floor to install (1) Model 22 15 Aquastore® Potable Water storage tank of bolted glass-fused-to-steel construction with a concrete floor and glass-fused-to-steel knuckle roof. The tank has actual dimensions of 22.38 feet in diameter with a sidewall height

of 14.68 feet and a nominal capacity of 43,000 gallons. Also, there will be a partial cancellation of the 40,000-gallon reservoir, which is to be abandoned in place, in Permit No. GWR.

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

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

Operation Permit No. 0521508 MA, Public Water Supply.

Applicant	Evitts Creek Water Company
Address	57 North Liberty Street Cumberland, MD 21502
Municipality	Cumberland Valley Township
County	Bedford County
Consulting Engineer	Evitts Creek Water Company 57 North Liberty Street Cumberland, MD 21502
Application Received	March 17, 2023
Permit Issued	April 4, 2023
Description	Operation of Filters No. 14—18 following rehabilitation.

Construction Permit No. 3622538, Public Water Supply.

Applicant	Dolgencorp, LLC
Address	100 Mission Ridge Goodlettsville, TN 37072
Municipality	East Donegal Township
County	Lancaster County
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401
Application Received	October 17, 2022
Permit Issued	April 6, 2023
Description	Installation of a sediment filter and nitrate removal treatment.

Construction Permit No. 2822518, Major Amendment, Public Water Supply.

Applicant	Mercersburg Water Authority
Address	113 South Main Street Mercersburg, PA 17236
Municipality	Peters Township
County	Franklin County
Consulting Engineer	Glance Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Application Received	October 6, 2022
Permit Issued	April 6, 2023

Description Construction of a new groundwater iron/manganese treatment plant for the Zimm Well and Buck Run Well.

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

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

Construction Permit No. 1521528, Major Amendment, Public Water Supply.

Applicant **PA American**

Address 852 Wesley Drive
Mechanicsburg, PA 17055-4436

Municipality East Vincent Township

County **Chester County**

Consulting Engineer Gannett Fleming, Inc.
207 Senate Avenue
Camp Hill, PA 17011-2316

Application Received December 30, 2021

Permit Issued May 30, 2021

Description New water treatment plant will be constructed on a green field site near the existing water treatment plant.

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

Contact: Ryan Fox, E.T.T., Environmental Engineering Specialist, 570-826-2533.

Construction Permit 5222504. PWSID No. **2520070**. **Community Utilities of Pennsylvania, Inc.**, 507 Hallett Rd., East Stroudsburg, PA 18301, Lehman Township, **Pike County**. Application received: November 16, 2022. Permit Issued: May 17, 2023. Replacement of Well No. 1 with new Well No. 1R.

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 2222524. PWSID No. **7220036**. **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055, Swatara Township, **Dauphin County**. Application received: December 27, 2022. Permit Issued: May 18, 2023. Steelton Borough water system—Installation of a new Kelker St booster pumping station to replace the existing station.

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

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

Operation Permit 0223507MA. PWSID No. **5020039**. **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, Baldwin Borough, **Allegheny County**. Application received: April 25, 2023. Permit Issued: May 18, 2023. Operation of the caustic soda feed system including a 1,270-gallon day tank, two chemical feed pumps (one skid), three chase water softeners and hot water tank, piping, and appurtenances at the Hays Mine Water Treatment Plant.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

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

Plan Location:

Municipality	Address	County
Fairview Township	599 Lewisberry Rd New Cumberland, PA 17070	York County

Plan Description:

Marlin R Knaub, A3-67919-492-3s. Approval of a revision to the official plan of Fairview Township, **York County**. The project is known as the Marlin R. Knaub Small Flow Treatment Facility (SFTF). The plan provides for a SFTF proposal to replace a malfunctioning on-lot disposal system serving an existing two-unit multi-family residential dwelling on 1.71 acres. Total estimated sewage flows are 800 gpd, and there is a proposed discharge to an unnamed tributary of Bennett Run. The proposed development is located at 802 Old Quaker Road in Fairview Township, York County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-67919-492-3s and the APS ID is 1087191. Permits for on lot sewage disposal systems must be obtained in the name of the property owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report de-

scribes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

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

The Department has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

DPH Well Pad, Primary Facility ID # **861090**, 258 Deer Park Ln, Mehoopany, PA 18629, Windham Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with ethylene glycol. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Lion Auto Service, Inc., Primary Facility ID # **857804**, 781 Delta Road, Red Lion, PA 17356, Windsor Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Leiphart T A Masonry, Inc., 781 Delta Road, Red Lion, PA 17365, submitted a Final Report concerning remediation of soil contaminated with Petroleum Compounds. The Final Report is intended to document remediation of the site to meet the site-specific standards.

Cambridge Crossing, Phases II & III, Primary Facility ID # **866779**, Biglerville Road and Boyds School Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**. Barry Isett & Associates, 5420 Crackersport Road, Allentown, PA 18104, on behalf of Cambridge Crossing 1, LLC, 160 Ram Drive, Hanover, PA 17331, submitted a Final Report concerning remediation of groundwater contaminated with TCE. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

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

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

269 Canal Road Site, Primary Facility ID # **620010**, 269 Canal Road, Fairless Hills, PA 19030, Falls Township, **Bucks County**. Bryan L. Emilius, PG, Dynamic Site Redevelopment, 10 Lippincott Lane, Unit 1, Mt. Holly, NJ 19007, on behalf of Anthony D. Cino, 269 Canal Road, LP, 301 Oxford Valley Road, Suite 702, Yardley, PA 19067, submitted a Cleanup Plan concerning remediation of soil contaminated with inorganics. The Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

Fairless Landfill Eastern Expansion Area, Primary Facility ID # **863122**, South Port Road, Morrisville, PA 19067, Falls Township, **Bucks County**. Francis T. Adams, PE, WSP, Lake Center Drive, Suite 205, Marlton, NJ 08053, on behalf of Brian Bolvin, PE, Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil contaminated with VOCs, SVOCs, PCBs and metals. The Risk Assessment/Remedial Investigation/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

10 West College Avenue, Primary Facility ID # **854263**, 10 West College Avenue, Yardley, PA 19067, Yardley Borough, **Bucks County**. Stephen Huxta, PG, Brickhouse Environmental, 515 Franklin Street, West Chester, PA 19382, on behalf of Charles Athey, Yardley Products, LLC, Dixon Square, Chestertown, MD 21620, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with VOCs and SVOCs. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

3421 Aramingo Avenue, Primary Facility ID # **854263**, 3421 Aramingo Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jason Hanna, Langan Engineering and Environmental, Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of Scott Montgomery, Map Real Estate, LLC, c/o Raider Hill Advisors, LLC, 25700 Science Park Drive, Suite 270, Beachwood, OH 44122, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with SVOCs, metals and lead. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

1711 West Allegheny Avenue, Primary Facility ID # **818630**, 1711 West Allegheny Avenue, Philadelphia, PA 19132, City of Philadelphia, **Philadelphia County**. Stephen Huxta, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Tom Shoemaker, Cristo Rey Philadelphia High school, 1717 West Allegheny Avenue, Philadelphia, PA 19132, submitted a Risk Assessment/Final Report concerning remediation of soil and groundwater contaminated with petroleum, chlorinated, VOCs and metals. The Risk Assessment/Final Report is intended to document remediation of the site to meet the site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and

extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Griffin Industrial Realty—Former Lehigh Valley Tropicana, Primary Facility ID # **682958**, 1115 American Parkway, Allentown, PA 18109, City of Allentown, **Lehigh County**. Barry Isett & Associates, 5420 Crackersport Road, Allentown, PA 18104, on behalf of Indus Realty Trust, 204 West Newberry Road, Bloomfield, CT 06002, submitted a Final Report concerning remediation of soil and groundwater contaminated with arsenic and chlorinated solvents. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: May 17, 2023.

4278 Winchester Road, Primary Facility ID # **864011**, 4278 Winchester Road, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. JMT Industrial & Environmental, 710 Uhler Road, Easton, PA 18040, on behalf of Community Action Center-Lehigh Valley, 1337 East Fifth Street, Bethlehem, PA 18015, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 17, 2023.

F. Lippincott Pad 1, Primary Facility ID # **863247**, 400 Corbin Road, Kingsley, PA 18826, Brooklyn Township, **Susquehanna County**. Resource Environmental Man-

agement, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report demonstrated attainment of the Statewide health standards. Approved: May 18, 2023.

D. Brazitis Pad 1, Primary Facility ID # **863240**, 987 Franklin Road, Kingsley, PA 18826, Lenox Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report demonstrated attainment of the Statewide health standards. Approved: May 18, 2023.

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

Contact: Chris Schiappa, 724-598-2206.

Amphenol Thermometrics, Primary Facility ID # **809890**, 967 Windfall Road, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of Baker Hughes, 13200 Bay Park Road, Pasadena, TX 77507, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with Soil: Trichloroethene; Groundwater: Chloroform, 1,1-Dichloroethane, 1,1-Dichloroethene, Trichloroethene. The Report demonstrated attainment of the site-specific standards. Approved: May 17, 2023.

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

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

2200 Somerset Street, Primary Facility ID # **859502**, 2200 Somerset Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jennifer Poole, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Lawrence McKnight, Somerset Street Station, LLC, 3020 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with metals, VOCs, SVOCs and PCBs. The Report did not demonstrate attainment of the site-specific standards. The Report was reviewed by the Department which issued a technical deficiency letter on May 15, 2023.

HP, Inc.—Avondale Groundwater Remediation Site, Primary Facility ID # **849411**, 374 Starr Road, Landenberg, PA 19350, New Garden Township, **Chester County**. Tom Donahue, CDM Smith, Inc., 280 Granite Run Drive, Suite 160, Lancaster, PA 17601, on behalf of Christopher Dirscherl, HP, Inc., 1501 Page Mill Road, Palo Alto, CA 94304, submitted a Final Report concerning remediation of soil and groundwater contaminated with VOCs. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: May 11, 2023.

Phoenixville Crossing LP, Primary Facility ID # **833749**, 622 Hares Hill Road, Phoenixville, PA 19460, East Pikeland Township, **Chester County**. Stephen D. Brower, PG, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19842, on

behalf of Ken Gibson, Phoenixville Area School District, 386 City Line Avenue, Phoenixville, PA 19460, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with arsenic. The Report demonstrated attainment of the site-specific standards. Approved: May 11, 2023.

433 Washington Street Property, Primary Facility ID # **618234**, 433 Washington Street, Conshohocken, PA 19429, Borough of Conshohocken and Whitemarsh Township, **Montgomery County**. Donald F. Bowman, Colliers Engineering & Design, Inc., 941 Marcon Boulevard, Suite 801, Allentown, PA 18109, on behalf of David B. Kahan, Esq., KRE Acquisition Corporation, 520 U.S. Highway 22 East, P.O. Box 6872, Bridgewater, NJ 08807, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with lead and inorganics. The Report did not demonstrate attainment of the site-specific standards. Disapproved: May 1, 2023.

2636 East York Street, Primary Facility ID # **854895**, 2636 East York Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Jennifer Poole, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Lawrence McKnight, L&M Real Estate Development, LLC, 3020 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with metals. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: May 2, 2023.

2507 Almond Street, Primary Facility ID # **856571**, 2507 Almond Street, Philadelphia, PA 19135, City of Philadelphia, **Philadelphia County**. Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Lawrence McKnight, Riverwards Group, 3030 Richmond Street, Philadelphia, PA 19134, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with lead. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: May 2, 2023.

Shepard Recreation Center, Primary Facility ID # **861032**, 5700 Haverford Avenue, Philadelphia, PA 19131, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, PG, Duffield Associates, Inc., 211 North 13th Street, Suite 702, Philadelphia, PA 19104, on behalf of Aparna Palantino, Philadelphia Parks and Recreation, 1515 Arch Street, 10th Floor, Philadelphia, PA 19102, submitted a Risk Assessment/Remedial Investigation concerning remediation of soil contaminated with benzo(a)pyrene, lead, arsenic and naphthalene. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: May 5, 2023.

2121 Wheatsheaf Lane, Primary Facility ID # **860195**, 2121 Wheatsheaf Lane, Philadelphia, PA 19137, City of Philadelphia, **Philadelphia County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of David Greek, HG Wheatsheaf Vertical, LLC, 1 Kimberly Road, East Brunswick, NJ 08816, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with perfluoroalkyl and polyfluoroalkyl substances (PFAS), VOCs and metals. The Report did not demonstrate attainment of the site-specific standards. The Report was reviewed by the Department which issued a technical deficiency letter on May 15, 2023.

Historic Auto Repair Shop, Primary Facility ID # **847602**, 199 Kedron Avenue, Folsom, PA 19033, Ridley

Township, **Delaware County**. Kelliann McWhorter, AEI Consultants, 20 Gibson Place, Suite 310, Freehold, NJ 07728, on behalf of David A. Green, Dion-Segal Associates, 132 West 22nd Street, New York, NY 10011, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of groundwater contaminated with VOCs. The Report did not demonstrate attainment of the site-specific standards. Disapproved: May 8, 2023.

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

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

Former Allenport Steel Mill Property, Primary Facility ID # **859358**, 1 Wheeling Pitt Drive, Allenport, PA 15412, Allenport Borough, **Washington County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Mon River Industrial Group, LLC, P.O. Box 249, Allenport, PA 15412, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with 1,1,1-trichloroethane, 1,1-dichloroethane, 1,2,4-trimethylbenzene, 1,2-dichlorobenzene, 1,3,5-trimethylbenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 2-butanone, 2-hexanone, 4-methyl-2-pentanone, acetone, benzene, carbon disulfide, cis-1,2-dichloroethene, cyclohexane, ethylbenzene, isopropyl benzene, methyl acetate, methyl cyclohexane, tetrachloroethene, toluene, trichloroethene, vinyl chloride, xylenes, 2-methylnaphthalene, acenaphthene, acenaphthylene, acetophenone, anthracene, benzaldehyde, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, bis(2-ethylhexyl)phthalate, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, p-chloro-m-cresol, phenanthrene, pyrene, aroclor 1242, aroclor 1248, aroclor 1254, aroclor 1260, aroclor 1268, arsenic, barium, cadmium, chromium (cr(iii)), chromium (cr(vi)), lead, mercury, selenium, and silver for soil; chloroform, trichlorofluoromethane, acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, bis(2-ethylhexyl)phthalate, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, barium, cadmium, chromium, lead, mercury, and selenium for groundwater. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: May 16, 2023.

CNX MAJ 18 Well Pad, Primary Facility ID # **865538**, 130 Teagarden Lane, West Finley, PA 15377, Richhill Township, **Greene County**. Penn Environmental & Remediation, 111 Ryan Court, Pittsburgh, PA 15205, on behalf of CNX Gas Company, LLC, 1000 Horizon Vue Energy Drive, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with arsenic, aluminum, barium, boron, chromium, copper, iron, lead, lithium, manganese, selenium, strontium, vanadium, zinc, and naphthalene. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 15, 2023.

CNX NV 48 Well Pad, Primary Facility ID # **865388**, 477 Barker Road, Sycamore, PA 15364, Morris Township, **Greene County**. Penn Environmental & Remediation, 111 Ryan Court, Pittsburgh, PA 15205, on behalf of CNX Gas Company, LLC, 1000 Horizon Vue Energy Drive, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, stron-

tium, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: May 15, 2023.

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.

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

Contact: Mohamad Mazid, Chief, Technical Services, RA-EPWM-SERO-PERMITs@pa.gov.

PAD002312791. AdvanSix Resins and Chemicals, LLC, 300 Kimball Drive, Parsippany, NJ 07054, City of Philadelphia, **Philadelphia County**. A draft permit is issued for the renewal of the RCRA Hazardous Waste (Part B) Permit for AdvanSix Resins and Chemicals, LLC—Frankford Plant, a captive hazardous waste facility located at 2501 Margaret Street, in the City and County of Philadelphia. Application received: May 13, 2022. Issued: May 17, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMITs@pa.gov, 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.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

Contact: Carrie Fleming, Program Manager.

WMGM055SC001H. EPP Renewable Energy, LLC, 1605 Cedar Crest Blvd., Suite 509, Allentown, PA 18104, Cumru Township, **Berks County**. This application is for the facility located at 455 Poplar Neck Road, Birdsboro, PA 19508, and is for coverage under WMGM055 which authorizes the processing and beneficial use of landfill gas (LFG) generated by the decomposition of municipal waste and residual waste as an alternative fuel for the electric generators to produce electricity that will be: (1) used by the landfill operator for the landfill's daily needs; (2) transmitted to the local electric utility grid for consumer use; (3) distributed for direct consumer use. Application received: November 14, 2022. Issued: May 11, 2023.

Persons interested in reviewing the permit may contact John L. Oren, P.E., Permits Chief, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-

705-4700. 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.

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

Contact: Lisa D. Houser, P.E., Facilities Manager, 570 327-3740.

WMGR123NC045. SWN Production Company, LLC, 917 State Road 92 North, Tunkhannock, PA 18657, Stevens Township, **Bradford County**. Determination of Application for storage of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well at the Preston Perkins Facility. Application received: November 30, 2022. Issued: May 19, 2023.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, 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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Contact: Waste Management Program Manager.

101439. Joseph J. Brunner, Inc., 211 Brunner Road, Zelenople, PA 16063, New Sewickley Township, **Beaver County**. Renewal of an individual permit to continue to operate a municipal and residual waste landfill. Application received: June 8, 2022. Renewal issued: May 18, 2023.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

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

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

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

AG5-08-00015A: Blackhill Energy, LLC, 4600 J Barry Court, Suite 320, Canonsburg, PA 15317, Springfield Township, **Bradford County**. The Department authorized the construction and operation of two (2) 1,380 bhp Caterpillar model G3516B four-stroke lean-burn natural-gas fired compressor engines each equipped with an oxidation catalyst, one (1) 1,775 bhp Caterpillar model G3606 four-stroke lean-burn natural-gas fired compressor engine equipped with an oxidation catalyst, three (3) 25 MMscf/day dehydrators equipped with a 0.20 MMBtu/hr reboiler, one (1) 400-bbl (16,800 gallons) slop/filtrate storage tank, one (1) 210 bbl (8,820 gallons) slop/filtrate storage tank, two (2) pig launchers and receivers along with various pneumatic controllers, miscellaneous venting and piping, fitting and connector leaks pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Young Compressor Site. Application received: May 1, 2023. Authorized: May 22, 2023. Expiration date: May 21, 2028.

AG5-41-00001B: Regency Marcellus Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Mifflin Township, **Lycoming County**. The Department authorized continued operation of one (1) 1,340 bhp Caterpillar model G3516LE lean burn natural gas-fired compressor engine equipped with oxidation catalyst, four (4) 2,370 bhp Caterpillar model G3608LE lean burn natural gas-fired compressor engines equipped with oxidation catalysts, one (1) 25 MMscf/day glycol dehydrator with a 0.75 MMBtu/hr reboiler, one (1) 35 MMscf/day glycol dehydrator with a 0.75 MMBtu/hr reboiler, one (1) 75 MMscf/day glycol dehydrator with a 1.5 MMBtu/hr reboiler and enclosed flare, four (4) 8,820-gallons produced water tanks, along with small storage tanks for lubricating oils, methanol, triethylene glycol and coolant pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-5 for Natural Gas Compression Stations, Processing Plants, and Transmissions Stations (BAQ-GPA/GP-5) at the Canoe Run Compressor Station. Application received: May 8, 2023. Authorized: May 22, 2023. New expiration date: May 21, 2028.

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

Contact: Raymond Kempa, Environmental Group Manager.

GP3-40-041: Atlantic Carbon Group, Inc., 100 Hazlebrook Road, Hazle Twp, PA 18201, Hazle Township and Banks Township, **Luzerne County** and **Carbon County**. Construction of a portable crushing operation with watersprays Application received: April 27, 2023. Issued: May 16, 2023.

GP9-40-041: Atlantic Carbon Group, Inc., 100 Hazlebrook Road, Hazle Township, PA 18201, Hazle Township

and Banks Township, **Luzerne County** and **Carbon County**. Operation of IC engines Application received: April 27, 2023. Issued: May 16, 2023.

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

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

GP3-19-07-05014: New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Taylor Township, **Blair County**. For portable nonmetallic mineral processing equipment, under GP3, at the Roaring Spring Quarry. Application received: March 17, 2023. Issued: April 25, 2023.

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

GP3-38-03070: B. R. Kreider & Son, Inc., 63 Kreider Lane, Manheim, PA 17545, South Lebanon Township, **Lebanon County**. For a portable nonmetallic mineral processing plant, under GP3, at the Pennsy Supply Prescott Quarry. Application received: April 3, 2023. Issued: May 17, 2023.

GP11-38-03070: B. R. Kreider & Son, Inc., 63 Kreider Lane, Manheim, PA 17545, South Lebanon Township, **Lebanon County**. For a non-road engine, under GP11, to power portable nonmetallic mineral processing equipment, at the Pennsy Supply Prescott Quarry. Application received: April 3, 2023. Issued: May 17, 2023.

GP3-22-03111: B. R. Kreider & Son, Inc., 63 Kreider Lane, Manheim, PA 17545, Lower Swatara Township, **Dauphin County**. For a portable nonmetallic mineral processing plant, under GP3, at the Pennsy Supply Fiddler's Elbow North Quarry. Application received: April 3, 2023. Issued: May 17, 2023.

GP11-22-03111: B. R. Kreider & Son, Inc., 63 Kreider Lane, Manheim, PA 17545, Lower Swatara Township, **Dauphin County**. For a non-road engine, under GP11, to power portable nonmetallic mineral processing equipment, at the Pennsy Supply Fiddler's Elbow North Quarry. Application received: April 3, 2023. Issued: May 17, 2023.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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.

28-05011D: Waste Management Disposal Services of PA, Inc., 9446 Letzburg Road, Greencastle, PA 17225-9317, Antrim Township and Montgomery Township, **Franklin County**. For the construction of an enclosed ground flare to replace Enclosed Ground Flare No. 2 (Control ID C102) at the existing Mountain View Reclamation Landfill facility. The flare will replace the existing main flare (Flare No. 2) at the facility. Application received: January 4, 2023. Issued: May 18, 2023.

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

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

09-0031C: Eureka Stone Quarry, Inc., 911 Swamp Rd, Rushland, PA 18956, Wrightstown Township, **Bucks County**. This action is for the installation of a nonmetallic processing plant consisting of one (1) crusher, one (1) grizzly feeder, one (1) fines screen and four (4) conveyors. The new plant will be used for crushing reconstituted asphalt pavement (RAP). Application received: January 26, 2023. Issued: May 17, 2023.

09-0255: Suess-Gahman Funeral Home Inc., 33 N Main Street, Telford, PA 18969, Telford Borough, **Bucks County**. For the installation of one (1) Matthews Environmental Solutions Power Pak I crematory unit. Application received: January 31, 2023. Issued: May 17, 2023.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: Mahammad Zaman, Program Manager, 570-327-3648.

47-00014D: United States Gypsum Company, 86 PPL Road, Danville, PA 17821, Derry Township, **Montour County**. A plan approval extension to extend the authorization to operate the sources pursuant to the plan approval by 180 days to allow for additional time to incorporate into the renewal Operating Permit application submitted for the board kiln dryer (Source ID P114) located at their gypsum board manufacturing plant. Application received: May 4, 2023. Revised: May 18, 2023.

49-00063B: Renewal Processing, LLC, 10705 State Route 44, Watsonstown, PA 17777, Lewis Township, **Northumberland County**. The Department has extended the authorization to temporarily operate a bakery waste rotary dryer at the facility to November 10, 2023, pending the completion of compliance testing. Application received: April 25, 2023. Revised: May 12, 2023. New expiration date: November 10, 2023.

41-00001B: Transcontinental Gas Pipe Line Company, LLC, 2800 Post Oak Blvd, Houston, TX 77056, Mifflin Township, **Lycoming County**. To extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 9, 2023 to November 5, 2023, at their Compressor Station 520. Application received: April 24, 2023. Revised: May 8, 2023.

14-00002S: Graymont Inc., 375 Graymont Road, Bellefonte, PA 16823, Spring Township, **Centre County**. Was issued an extension to extend the authorization to operate the sources under the plan approval for an additional 180 days to allow for additional time to incorporate into the renewal Operating Permit application submitted for the sources located at their lime manufacturing plant. The plan approval has been extended. Application received: May 5, 2023. Revised: May 18, 2023.

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

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

09-0249: Pet Meadow, LLC, 6 Steel Road East, Morrisville, PA 19067-3613, Falls Township, **Bucks County**. This plan approval extension is for the installation of

animal cremation equipment at a new facility. This plan approval includes opening the crematory loading door during the cremation cycle. Application received: May 2, 2023. Issued: May 17, 2023.

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

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

PA-04-00443A: Desotec US, LLC, 118 Park Road Darlington, Darlington, PA 16115, Darlington Township, **Beaver County**. The Department of Environmental Protection (DEP) authorized a plan approval amendment for a change of ownership from Evoqua Water Technologies, LLC to Desotec US, LLC. The facility regenerates hazardous and non-hazardous spent sorbent (activated carbon) and is located in Darlington Township, Beaver County. The plan approval includes emission limits, operating requirements, monitoring requirements, and recordkeeping requirements for the site. Application received: May 4, 2023. Authorized: May 18, 2023.

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

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

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

41-00001: Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, TX 77251, Mifflin Township, **Lycoming County**. Was issued a revised Title V Operating Permit for their Compressor Station 520 for incorporation of the terms and conditions of Plan Approval 41-00001B and the requirements of 40 CFR Part 63 Subpart Yyyy. The Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: September 27, 2022. Issued: May 18, 2023.

41-00005: Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. Was issued a revised Title V Operating Permit for their Oliver Street Plant for a change in the Responsible Official and their designated representative for the facility. The revised Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: April 17, 2023. Issued: May 16, 2023.

19-00007: Transcontinental Gas Pipeline Company, LLC, P.O. Box 1396, Houston, TX 77251, Jackson Township, **Columbia County**. Was issued a revised Title V Operating Permit for their Compressor Station 517 for incorporation of the terms and conditions of Plan Approval 19-00007B. The Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: September 27, 2022. Issued: May 17, 2023.

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

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

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

49-00029: Clark's Feed Mill, P.O. Box W, Shamokin, PA 17872, Ralpho Township, **Northumberland County**. The Department issued a renewal State Only Operating Permit for the feed mill facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal regulations. Application received: November 7, 2022. Renewal issued: May 18, 2023. New expiration date: May 17, 2028.

41-00049: Danzer Veneer Americas, Inc., 240 North Reach Road, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. The Department issued a renewal State Only Operating Permit for the Williamsport wood veneer mill facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal regulations. Application received: October 18, 2022. Renewal issued: May 22, 2023. New expiration date: May 21, 2028.

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

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

OP22-000062: Liberty Coca-Cola Beverages, LLC, 725 E Erie Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Natural Minor Operating Permit (NMOP) for the operation of a soft drink manufacturing and packaging facility. The facility's air emissions' sources include one (1) natural gas/No. 2 fuel oil fired boiler rated at 6 MMBtu/hr, one (1) No. 2 fuel oil fired boiler rated at 3 MMBtu/hr, two (2) natural gas/No. 2 fuel oil fired boilers each rated at 9 MMBtu/hr, and one (1) diesel fire pump rated at 125 hp. Application received: December 19, 2022. Issued: May 16, 2023.

OP21-000054: Temple University Hospital—Juniata Park Campus, 1331 E. Wyoming Avenue, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Natural Minor Operating Permit (NMOP) for the operation of an academic medical center facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources are one (1) co-generation system firing natural gas rated 1,175 kW, one (1) emergency generator firing diesel fuel rated 827 kW, three (3) emergency generators firing diesel fuel each rated 600 kW, two (2) boilers burning natural gas or No. 2 oil each rated 5.1029 MMBtu/hr, and three (3) insignificant cooling towers. Application received: October 18, 2021. Issued: May 19, 2023.

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

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

22-03076: Bitner Crematory, LLC, 2100 Linglestown Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. For the human crematory at the facility. The State-Only permit was renewed. Application received: November 10, 2022. Issued: May 18, 2023.

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

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

63-00629: Heidelberg Materials Northeast, LLC, 339 Summerset Drive, Eighty Four, PA 15330, Somerset Township, **Washington County**. Heidelberg Materials Northeast LLC/Washington Asphalt Plant (f/k/a, Hanson Aggregates PA, LLC/Dunningsville Asphalt Plant). The Department issued a renewal synthetic minor State Only Operating Permit for the operation of a batch mix Hot Mix Asphalt (HMA) plant. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at the facility located in Somerset Township, Washington County. Application received: November 4, 2022. Issued: May 22, 2023.

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

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

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

36-05155: The Federal Metal Company, 500 North 2nd Street, Columbia, PA 17512-1179, Columbia Borough, **Lancaster County**. For the secondary non-ferrous metal processing facility. The State-Only permit was administratively amended in order to reflect a change of ownership. Application received: March 14, 2023. Issued: May 16, 2023.

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

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

09-00196: Abington Reldan Metals, LLC/Fairless Hills, 550 Old Bordentown Rd, Fairless Hills, PA 19030, Falls Township, **Bucks County**. This action is for an Administrative Amendment to incorporate a Plan Approval (09-0196K) for the replacement Acid Room (Source ID 010) NO_x Scrubber (Source ID C21) to control NO_x emission from the Acid Room processes. Emissions from the scrubber are limited to 4.73 lb/hr and 15 tpy NO_x. HCl and Cl₂ emissions are limited to 0.015 lb/hr. The facility has site-wide limits of 24.9 tpy NO_x, 9.9 tpy single HAP and 24.9 tpy combined HAPs. Other conditions for maintaining, monitoring and recording pH, water flow rate, pressure drop and other parameters that ensure proper operation of the scrubber have been included in the permit. Source ID 002 (Wickberg Thermal Destructor) and its control devices (Source IDs C02A, C02C-R, and C14B) have been removed from the facility and will be removed from the permit. Application received: April 14, 2023. Issued: May 18, 2023.

09-00053: Greif Packaging, LLC, 695 Louis Drive, Warminster, PA 18974, Warminster Township, Bucks County. For an Administrative Amendment of Title V Operating Permit (TVOP) No. 09-00053 for its facility located in Warminster Township, **Bucks County**. The Administrative Amendment incorporates Plan Approval

No. 09-0053D for the installation of a new spray booth/conveyor enclosure (Source ID C13) for an existing steel drum parts lining/paint spray booth (Source ID 401) at the facility (the requirements were previously incorporated by reference). The Administrative Amendment is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450(a)(5). Application received: March 24, 2023. Issued: May 17, 2023.

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

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

04-00443: Desotec US, LLC, 118 Park Drive, Darlington, PA 16115, Darlington Township, **Beaver County**. On May 18, 2023, the Department of Environmental Protection (DEP) authorized a synthetic minor State-Only Operating Permit amendment for a change of ownership from Evoqua Water Technologies, LLC to Desotec US, LLC. The facility regenerates hazardous and non-hazardous spent sorbent (activated carbon) and is located in Darlington Township, Beaver County. The permit includes emission limits, operating requirements, monitoring requirements, and recordkeeping requirements for the site. Application received: April 10, 2023. Issued: May 18, 2023.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Aleppo Townships, **Greene County**. To revise the permit and related NPDES permit for development mining only, affecting 238.17 underground acres and 238.17 subsidence control plan acres. Application received: December 20, 2022. Accepted: January 31, 2023. Issued: May 17, 2023.

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

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

Mining Permit No. 56170104. NPDES No. PA0279579. Wilson Creek Energy, LLC, P.O. Box 260, Friedens, PA 15541, Somerset and Stonycreek Townships, **Somerset County**. Permit revision for a permit boundary correction to add 14.1 acres on a bituminous surface mine. Total permit acres goes from 569.9 to 584.0. Receiving streams: unnamed tributary to Kimberly Run to Casselman River, Schrock Run to Stonycreek River to Conemaugh River, classified for the following uses: CWF and WWF. Application received: February 27, 2023. Withdrawn: May 17, 2023.

Noncoal Permits

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

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

Mining Permit No. 29940301. NPDES No. PA0607908. Bluegrass Materials Company, LLC, 10000 Beaver Dam Road, Cockeysville, MD 21030, Bethel and Thompson Townships, **Fulton County**. Renewal of NPDES permit. Receiving stream: Little Tonoloway Creek, classified for the following use: TSF. Application received: February 27, 2023. Permit issued: May 22, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 58110301. NPDES Permit No. PA0226106. Southern Tier Rock, LLC, 2197 Lillie Hill Road, Apalachin, NY 13732, New Milford & Jackson Townships, **Susquehanna County**. Transfer of a quarry and NPDES Permit from K & CN, LLC affecting 135.7 acres. Receiving stream: Deacon Brook. Application received: May 16, 2022. Transfer issued: May 18, 2023.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits

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

Contact: Tracy Norbert, RA-EPNEWSTANTON@pa.gov.

Permit No. 02234102. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141, Jefferson Hills Borough and West Mifflin Borough, **Allegheny County**. Blasting activity permit for construction/demolition of the Mon-Fayette Expressway Toll 43 Section 53A1 and MP M-51.52 to M-Highway Road with an expiration date of December 31, 2024. Application received: May 16, 2023. Issued: May 16, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 15234104. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, West Goshen Township, **Chester County.** Construction blasting for Woodlands at Greystone. Application received: May 11, 2023. Permit issued: May 17, 2023. Expiration date: March 31, 2024.

Permit No. 36234111. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, West Hempfield Township, **Lancaster County.** Construction blasting at 620 Sycamore Drive. Application received: May 11, 2023. Permit issued: May 17, 2023. Expiration date: May 11, 2024.

Permit No. 36234112. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Clay Township, **Lancaster County.** Construction blasting for a building for Carl Shirk. Application received: May 12, 2023. Permit issued: May 17, 2023. Expiration date: July 30, 2023.

Permit No. 38234108. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, South Lebanon Township, **Lebanon County.** Construction blasting for Wen Crest Farm. Application received: May 12, 2023. Permit issued: May 17, 2023. Expiration date: July 30, 2023.

Permit No. 15234103. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Tredyffrin Township, **Chester County.** Construction blasting for PA Turnpike Reconstruction Miles 324—326. Application received: May 10, 2023. Permit issued: May 18, 2023. Expiration date: May 8, 2024.

Permit No. 54234102. Maurer & Scott Sales, Inc., 122 Thomas Street, Coopersburg, PA 18036, Foster Township, **Schuylkill County.** Construction blasting for CES Landfill southern expansion. Application received: May 10, 2023. Permit issued: May 18, 2023. Expiration date: June 1, 2028.

Permit No. 54234103. Hayduk Enterprises, Inc., 257 Riverside Drive, Factoryville, PA 18419, Foster Township, **Schuylkill County.** Construction blasting for CES Landfill. Application received: May 17, 2023. Permit issued: May 18, 2023. Expiration date: December 30, 2023.

Permit No. 22234103. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Lower Swatara Township, **Dauphin County.** Construction blasting for DHK Jednota South. Application received: May 16, 2023. Permit issued: May 19, 2023. Expiration date: May 16, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

E4502122-008. PA Department of Transportation, Eng District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Stroud Township, **Monroe County.** U.S. Army Corps of Engineers Philadelphia District.

To extend and maintain an existing concrete box stream enclosure with a span of 6' and a rise of 5' from approximately 120' to 131' out-to-out. The extension will occur on the upstream side of the structure. The structure carries SR 0209 Northbound and Southbound across a tributary to Little Pocono Creek (HQ—CWF, MF). Approximately 0.05 acre of tributary to Little Pocono Creek floodway will also be impacted by the stream enclosure extension work and roadway re-construction. The project is located along SR 0209 Section 17S, Segment 0350 Offset 1019 (NB) and Segment 0351 Offset 1019 (SB), approximately 0.75 mile east of the SR 0209/SR 2010 intersection (Stroudsburg, PA Quadrangle; Latitude: 40° 58' 23.60" N, Longitude: -75° 14' 40.77" W). Application received: July 11, 2022.

E4502122-012. PA Department of Transportation, Eng District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Chestnuthill Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District.

The following impacts are associated with the SR 715 Section 03B project: 1. Remove the existing structure and construct and maintain a 36' wide arch culvert with a normal clear span of 32' and a minimum underclearance of 5' carrying SR 715 over McMichael Creek (EV, MF) and construct and maintain appurtenant structure features. 2. To construct and maintain an outfall pipe discharging to a riprap apron with an endwall in the floodway of McMichael Creek (EV, MF). The project is located along SR 715 Section 03B, Segment 0110 Offset 0102, approximately 0.1 mile east of the SR 715/SR 3016 intersection (Brodheads ville, PA Quadrangle; Latitude: 40.994934° N, Longitude: -75.398113° W). Application received: December 1, 2022

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

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

E4601222-024. KRE Acquisition Corp, 520 US Highway 22, P.O. Box 6872, Bridgewater, NJ 08807, Conshohocken Borough and Whitmarsh Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

KRE Acquisition Corp is proposing the following water obstruction and encroachment activities associated with 401/433 Washington Street Apartments along the Schuylkill River (WWF, MF): 1) Construction of a 598-unit residential apartment complex, including excavation of fill for Act 2 requirements and a walking trail. There is no fill proposed in the floodway. 2) Construction of a stormwater outfall. Proposed work includes 5 acres of permanent floodway impact and no wetland impacts. The site is located near the intersection of Elm and Washington Streets (Norristown, PA USGS Map) in the Borough of Conshohocken and Whitmarsh Township. Latitude: 40.071293°, Longitude: -75.297286°. Application received: December 7, 2022. Issued: May 17, 2023.

E5101222-009. Southeastern Pennsylvania Transportation Authority (SEPTA), 1234 Market Street, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

To reconstruct and maintain a new Wissahickon Transportation Center (WTC) with mixed use, including passenger waiting room, grading, sidewalks, and enhanced stormwater management. The work is proposed within the floodplain of the Schuylkill River (WWF-MF) and is associated with the upgrading of amenities for the residents. The site is located at 5000 Ridge Avenue in the City of Philadelphia, Philadelphia County (Germantown, PA USGS Quadrangles). Latitude: 40.014591°, Longitude: -75.208412°. Application received: May 23, 2022. Issued: May 17, 2023.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205221-030. City of Pittsburgh Department of Public Works, 414 Grant Street, Room 301, Pittsburgh, PA 15219, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Construct and maintain 1,312 linear feet of open channel and 4,327 square feet (0.1 acre) of adjacent seeps (A1, A2, D), as part of a proposed green stormwater infrastructure (GSI) network. The seeps currently flow into inlets along 477 linear feet of existing combined storm sewer. The flow from the seeps will be redirected to the GSI network to separate these flows from the combined storm sewer system. The inlets will be replaced, however, the combined sewer piping will be retained. 2. Excavate Wetland A1 (0.003 acre; PEM), which is fed by a seep, and relocate flow from 130 linear feet of existing concrete lined channel, in association with the construction of a new sediment forebay, which will convey flow to a proposed GSI network; 3. Regrade Wetland C (0.03 acre; PEM), which is fed by a second seep, to direct flow to the aforementioned GSI network; 4. Redirect approximately 148 linear feet of existing watercourse seeps associated with wetland A1 & C into the aforementioned GSI network. For the purpose of reducing combined sewer overflows during storm events and creating habitat. Cumulatively, the project will permanently impact 0.033 acre of wetlands and 148 linear feet of channel seeps. The project site is located at 239 S. 21st Street, Pittsburgh, PA 15203 (Pittsburgh East, PA USGS topographic quadrangle; N: -40°, 25', 19"; W: -79°, 58', 39"; Sub-basin 19A). Application received: December 20, 2021. Issued: May 19, 2023.

E0205222-004. Millvale Sportsmen's Club, Inc., 170 Sunny Hill Road, Wexford, PA 15090, Marshall Township, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Excavate and remove lead contaminated soil from 210 linear feet of Stream-01, an unnamed tributary to the East Branch of Big Sewickley Creek (TSF), and 0.48 acre of the associated floodway, and 0.34 acre of wetlands -01A and -01B, both palustrine emergent wetlands (PEM); 2. Place and maintain the reclaimed soil, along with additional fill, permanently, within these regulated waters of the Commonwealth, as components of a lead reclamation project; 3. Construct and maintain a stilling basin within the Stream-01, at the downstream end of the reclamation area; For the purpose of addressing existing and future lead contamination. Mitigation will be provided by the purchase of 210 linear feet of stream credits and 0.34 acre of wetland credits from the Robinson Fork Mitigation bank. The project site is located at 170 Sunny Hill Road, Wexford, PA 15090 (Emsworth, PA USGS topographic quadrangle; 40.621960°, -80.102681°; Sub-basin 20G). Application received: February 28, 2022. Issued: May 18, 2023.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within

30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 ESG295823007-00

Applicant Name **Coterra Energy, Inc.**

Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
Township(s) Jessup Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) UNT to Shelp Creek # 31199 (CWF, MF), UNT to Shelp Creek # 8789 (CWF, MF)

Application received: March 10, 2023

Issued: May 18, 2023

Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kate Hogue, Clerical Supervisor, 814-332-6860.

ESCGP # 3 ESG070422004-00/Petrik Bea Pad A

Applicant Name **Geopetro, LLC**

Contact Person Paul Archer/(614) 885-9350/paul@geopetrolc.com

Address 7100 N High St, Ste 303
City, State, Zip Worthington, OH 43085
Township(s) South Beaver Township

County **Beaver County**

Receiving Stream(s) and Classification(s) UNT to N Fork Little Beaver Creek HQ—CWF UNT To N Fork Little Beaver Creek HQ—CWF UNT to Brush Run HQ—CWF UNT To Brush Run HQ—CWF

Application received: November 17, 2022

Issued: May 19, 2023

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

Contact: D. J. Stevenson, 412-442-4281.

ESCGP # 3 ESG076522010-00

Applicant Name **Hyperion Midstream, LLC**

Contact Person Brian Dillmuth
Address 501 Technology Drive, Suite 1200
City, State, Zip Canonsburg, PA 15317
Township(s) Washington Township

County **Westmoreland County**

Receiving Stream(s) and Classification(s) Tributary 42987 to Thorn Run, HQ—CWF; Tributary 37429 to Steels Run, HQ—CWF; Tributary 42988 to Thorn Run HQ—CWF

Application received: December 23, 2022

Issued: May 16, 2023

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

ESCGP # 3 ESG070222002-00

Applicant Name **EQM Gathering OPCO, LLC**

Contact Person Shyama Santiapillai, 412-627-7770, ssantiapillai@equitransmidstream.com

Address 0.3 Mile West of Harts Run Road and Miller Road

City, State, Zip Aleppo, PA 15310

Township(s) Aleppo Township

County **Greene County**

Receiving Stream(s) and Classification(s) Pint 001: Lat 39.80900, Long -80.48330, UNTs to Harts Run, Ch. 93 Class WWF.

Application received: March 8, 2023

Issued: May 18, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Roland & Roland, Storage Tank Facility ID # **39-51187**, 900 13th Avenue, Bethlehem, PA 18018, City of Bethlehem, **Lehigh County**. American Analytical & Environmental, 738 Front Street, Catasauqua, PA 18032, on behalf of Villa Properties II, LLC, 2332 Spring Valley Road, Bethlehem, PA 18015 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.

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

Contact: Gregory Bowman, Environmental Group Manager.

Dutchland, Storage Tank Facility ID # **36-62314**, 160 Route 41, Gap, PA 17527, Sadsbury Township, **Lancaster County**. RETTEW Associates, 3020 Columbia Ave, Lancaster, PA 17603, on behalf of Dutchland, Inc., 160 PA Rte 41, Gap, PA 17527 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Petroleum Constituents. The plan is intended to document the remedial actions for meeting Statewide health standards.

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

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

Retap Enterprises, Storage Tank Facility ID # **51-98184**, 2950 Castor Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. EnviroSure, Inc., 1 North Bacton Hill Road, Suite 208, Malvern, PA 19355, on behalf of Retap Enterprise, LLC, 4336 Sepviva Street, Philadelphia, PA 19124 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

1001 Baltimore Ave East Lansdowne, Storage Tank Facility ID # **23-06906**, 1001 E. Baltimore Ave., Lansdowne, PA 19050, East Lansdowne Borough, **Delaware County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST VI, LLC, 600 Hamilton Street, Suite 500, Allentown, PA 18101 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting site-specific standards.

007 Carwash, Storage Tank Facility ID # **23-02719**, 450 S. 69th St., Upper Darby, PA 19082, Upper Darby Township, **Delaware County**. Center Point Tank Services, Inc., 536 E. Benjamin Franklin Highway, Douglassville, PA 19518, on behalf of Eastern Darby Realty Associates, 450 South 69th Street, Upper Darby, PA 19082 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. 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, 412-442-4091.

Best Deal Tire Center, Storage Tank Facility ID # **02-07379**, 89 Clever Road, McKees Rocks, PA 15136, Kennedy Township, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Bill Ostapchenko, 89 Clever Road, McKees Rocks, PA 15136 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

PSK Auto Repair, Storage Tank Facility ID # **02-01036**, 1901 Lincoln Way, White Oak, PA 15131, White Oak Borough, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Michael Maleski, 1901 Lincoln Way, White Oak, PA 15131 submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Coen Oil Front Lot, Storage Tank Facility ID # **63-80436**, 1100 West Chestnut Street, Washington, PA 15301, City of Washington, **Washington County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15317 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with diesel fuel. The report is intended to document the remedial actions for meeting residential Statewide health standards.

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.

Schoch Exxon, Storage Tank Facility ID # **45-50840**, 4300 Manor Drive, Stroudsburg, PA 18360, Hamilton Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Jovan Singh, 4300 Manor Drive, Stroudsburg, PA 18360 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report demonstrated attainment of the Statewide health standards and was approved by DEP on May 17, 2023.

7 Eleven 40206, Storage Tank Facility ID # **48-24155**, 109 West Main Street, Bath, PA 18014, Bath Borough, **Northampton County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The plan was acceptable to meet the Statewide health standards and was approved by DEP on May 22, 2023.

Wallaby's Store, Storage Tank Facility ID # **45-06391**, 7074 Route 209, Stroudsburg, PA 18360, Hamilton Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of MJ Properties USA, LLC, 2085 Augusta Drive, Center Valley, PA 18034 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was acceptable to meet the Statewide health standards and was approved by DEP on May 22, 2023.

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

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

Diamond Express Carwash, Storage Tank Facility ID # **23-27095**, 401 Baltimore Pike, Morton, PA 19070, Morton Borough, **Delaware County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Naresh C. Jain, 401 Baltimore Pike, Morton, PA 19070 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report residential and nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on May 18, 2023.

Meles Auto Care, Storage Tank Facility ID # **51-10590**, 1410-12 McKean St., Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. EnviroSure, LLC, 319 South High Street, 1st Floor, West Chester, PA 19382, on behalf of Franklin Mint Federal Credit Union, 5 Hillman Drive, Suite 100, Chadds Ford, PA 19137 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report demonstrated attainment of the site-specific standards and was approved by DEP on May 15, 2023.

C & J Auto II, Storage Tank Facility ID # **23-25166**, 99 S. Newtown Street Rd., Newtown Square, PA 19073, Newton Township, **Chester County**. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of Crowley Enterprises Inc., 99 S. Newtown Street Rd., Newtown Square, PA 19073 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan nonresidential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on May 18, 2023.

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

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

Windber Pit Stop, Storage Tank Facility ID # **56-10326**, 1337 Pomroys Drive, Windber, PA 15963, Paint Township, **Somerset County**. Keystone Environmental Health & Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16601, on behalf of Shakeel Arshad, 1337 Pomroys Drive, Windber, PA 15963 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan nonresidential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on May 16, 2023.

Doneldo's Restaurant, Storage Tank Facility ID # **02-83082**, 2218 Homestead Duquesne Road, West Mifflin, PA 15122, West Mifflin Borough, **Allegheny County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Bash Ural, LLC, 700 Atlantic Avenue, McKeesport, PA 15132 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on May 16, 2023.

A to Z Convenience Store, Storage Tank Facility ID # **02-03926**, 1617 West Street, Homestead, PA 15120, Homestead Borough, **Allegheny County**. Compliance Environmental Service, 2700 Kirila Boulevard, Hermitage, PA 16148, on behalf of Gary Graham—Executor for the Estate of Robert Graham, 131 East 17th Avenue, Hermitage, PA 16148 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan residential was not acceptable to meet the Statewide health standards and was disapproved by DEP on May 15, 2023.

STORAGE TANKS
CLOSURE-IN-PLACE VARIANCE

The following variance from closure requirements under the authority of the Storage Tank Spill Prevention Act (35 P.S. § 6021.501) and under 25 Pa. Code Chapter 245, Subchapter E, has been issued by the Bureau of Environmental Cleanup and Brownfields, P.O. Box 8762, Harrisburg, PA 17105-8762.

Central Office: Environmental Cleanup & Brownfields Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: tanks@pa.gov.

<i>Variance No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacities</i>
U-23-0002	7-Eleven, Inc. P.O. Box 711 Dallas, Texas 75221	Berks	Colebrookdale Township	Diesel Gasoline Gasoline Gasoline	10,000 gallons 10,000 gallons 10,000 gallons 10,000 gallons

The variance request asks that underground storage tanks (USTs) 002—005 be excluded from part of the UST closure requirements located in 25 Pa. Code § 245.452(b). Specifically, the variance requests that USTs 002—005 be permanently closed without being removed from the ground or filled with a non-shrinking, inert solid material as required by regulation to facilitate the installation of new, structurally independent, field-constructed USTs built within USTs 002—005. A variance was granted with the following conditions: (1) 7-Eleven, Inc. shall comply with all remaining applicable requirements of 25 Pa. Code Chapter 245 and shall not violate any applicable provision of the Storage Tank and Spill Prevention Act; and (2) This Variance Approval will remain in effect until May 22, 2026, unless amended or revoked by the Department or terminated for any reason by 7-Eleven, Inc. or by the Department.

SPECIAL NOTICES

WATER PROGRAMS
REQUEST FOR COMMENT

Proposed Total Maximum Daily Loads (TMDLs) for the Dry Run Watershed in Northumberland County.

Central Office: Clean Water Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Michael Morris; 717-772-5670.

The Department of Environmental Protection will accept comments on the proposed “TMDLs” developed for the Dry Run watershed under Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included stream segments listed as impaired for aquatic life in the watershed. The impairments addressed by this document were caused by excessive siltation due to agriculture.

There currently are no state or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL document sets allowable loading of sediment in the Dry Run watershed. The “TMDLs” included allocations for nonpoint sources, reserves for future point sources, as well as margin of safety factors. Nonpoint source load allocations were made for cropland, hay/pasture land and streambank source sectors present in the watershed. Data used in establishing the TMDLs were primarily generated using a water quality analysis model (Model My Watershed) made available through the Stroud Water Research Center.

The following table shows the estimated current sediment loadings within the watershed, the prescribed “TMDL” values, and % reductions needed under annual average conditions.

<i>Summary of “TMDL”—Based Load Reductions (expressed as annual averages) in the Dry Run Watershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>“TMDL” (lbs/yr)</i>	<i>% Reduction</i>
Dry Run	Sediment	3,477,950	1,554,451	55

The following table shows the estimated current sediment loading within the watershed, the prescribed “TMDL” values, and % reductions needed under 99th percentile daily loading conditions.

<i>Summary of “TMDL”—Based Load Reductions (expressed as 99th percentile daily loading) in the Dry Run Watershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/d)</i>	<i>TMDL (lbs/d)</i>	<i>% Reduction</i>
Dry Run	Sediment	155,847	75,157	52

The proposed TMDL document can be viewed at: <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/DryRunSedimentTMDL.pdf>.

Otherwise, copies of the proposed TMDL document or supporting information may be requested by emailing Michael Morris at michamorri@pa.gov or calling him at 717-772-5670.

Written/typed comments will be accepted at the previously listed email address. While emailed comments are preferable, written comments may also be sent by mail to:

Michael Morris, Water Program Specialist
Bureau of Clean Water
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Comments must be submitted within 30 days after publication of this notice in the June 3, 2023 issue of the *Pennsylvania Bulletin*. The Department will consider all written/typed comments submitted within the deadline prior to submitting the final TMDL document to EPA for approval.

OIL AND GAS MANAGEMENT

Notice of Projects under 58 Pa.C.S. § 3220(e).

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

Contact: D. J. Stevenson, 412-442-4281.

The Oil and Gas Act (58 Pa.C.S. 2301—3504) provides, inter alia, standards and procedures governing the plugging of oil and gas wells. Section 3220(e) of the Oil and Gas Act allows the Department of Environmental Protection to enter upon the site of an abandoned or orphaned well in order to plug the well.

More information on the following project is available for inspection upon request.

Project Proposals

The Department of Environmental Protection is planning to plug four abandoned conventional gas wells (API Nos. 003-009600, 003-00962, 003-00963, 003-00964). The four gas wells sit upon one of the following three parcels of land located along Scrubgrass Road in Scott Township, Allegheny County: Parcel ID No. 0143-C-00200-0000-00, Parcel ID No. 0143-C-00100-0000-00, and a third neighboring parcel that has not been assigned a Parcel ID No. and that sits directly between Scrubgrass Road and Parcel 143-C-100-0000-00. The four abandoned gas wells are emitting methane vapor into the soil and atmosphere. Through well plugging, the Department will prevent additional methane from leaving the wells and entering the atmosphere and soil.

The Department's plugging project will proceed in several phases. First, the Department will identify utilities that traverse or are proximate to the well sites, and, after doing so, take precautionary measures to ensure that the project will not have a negative effect on any existing utilities. Then, site preparation will begin, which involves building temporary accesses to the sites, removing brush that would obstruct the project, and grading the sites if necessary. The next step involves mobilizing the necessary construction equipment to the site, while utilizing adequate and required traffic controls. After all necessary equipment is on site, the plugging operations will commence. The Department estimates that it will

take between two and eight weeks to plug each of the wells. The Department will complete the project through an experienced contractor.

The plugging is pursuant to two orders issued to Michael Harju and Economy Natural Gas, Inc. on April 6, 2023 ("Orders"). The parties subject to the Orders did not comply with the Orders, and, as a result, the Department is entering the previously listed parcels pursuant to its statutorily authorized police powers, previously identified, in order to plug the unlawful wells. The Department was unable to locate the owners of the surface parcels previously identified and is providing this notification of the Department's actions as set forth in the Orders, pursuant to 25 Pa. Code § 1021.38 and will be posting on the previously-referenced parcels notifications of the Department's intent to enter upon those parcels in order to plug the previously-referenced wells.

Surface parcel owners aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), 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. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

[Pa.B. Doc. No. 23-733. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Temporary Scheduling of Substance; Xylazine as a Schedule III Controlled Substance

The Acting Secretary of Health (Secretary) of the Department of Health (Department) is issuing this final order temporarily scheduling Xylazine which is not currently listed in any schedule of The Controlled Substance, Drug, Device and Cosmetic Act (act) (35 P.S. §§ 780-101—780-144). This final order will place Xylazine in Schedule III subject to the limitations outlined as follows. The Secretary is taking this action because the scheduling of Xylazine in this Commonwealth on a temporary basis is necessary to avoid an imminent hazard to public safety.

On April 12, 2023, under section 3(d)(4) of the act (35 P.S. § 780-103(d)(4)), the Secretary transmitted to the Attorney General for review, a copy of the notice of intent to issue a final order. The Attorney General's Office

agreed in writing that the temporary scheduling of Xylazine as a Schedule III controlled substance under the act was appropriate. The Secretary's notice of intent was published at 53 Pa.B. 2270 (April 22, 2023).

Under the act, a formal order may not be issued before the expiration of 14 days after both:

(i) The date of publication in the *Pennsylvania Bulletin* of the proposed notice of the intention to issue a final notice and the grounds upon which the order is to be issued.

(ii) The date the Secretary transmitted the notice to the Attorney General.

This formal order temporarily scheduling Xylazine as a Schedule III controlled substance is effective for 1 year from the date of publication of this final order in the *Pennsylvania Bulletin*. The Secretary may, during proceedings to permanently control Xylazine under section 3(d)(2) of the act, extend the temporary scheduling for up to 1 additional year.

Background

Although approved only for veterinary use, Xylazine is a nonopioid with an increasing presence as an adulterant, often in combination with opioids, in the illicit drug supply. Adulterants are frequently added to clandestine drugs to: (1) increase or decrease a drug's effects; or (2) increase a drug's resale value. Following these trends, the earliest reports of Xylazine indicate that it was being used to enhance the effects of heroin. Both isolated and in combination with other drugs, Xylazine is implicated as a cause or contributing cause of death in the United States. According to the United States Drug Enforcement Administration: (1) the emergence of Xylazine across the United States appears to be following the same path as Fentanyl, beginning in the Northeast before spreading to the South and then working its way into drug markets westward; and (2) its low cost contributes, in part, to Xylazine's expanded presence in the Nation's illegal drug supply.

Xylazine use may be accompanied by skin ulcers with wounds that excrete puss, have decaying tissue and bacterial infections, which can lead to amputation at higher rates than those who inject other drugs. Heroin and Xylazine have some similar pharmacological effects including bradycardia, hypotension, central nervous system depression and respiratory depression. When used in combination with an opioid, Xylazine may worsen respiratory depression in the event of a drug overdose. Because Xylazine is not an opioid, Naloxone is not known to be effective at reversing overdoses caused by Xylazine.

Xylazine is not currently scheduled in the Commonwealth. In 2021, 30 counties across this Commonwealth saw cases where Xylazine contributed to individual deaths. In 2021, Xylazine contributed to 575 overdose deaths in this Commonwealth, a significant increase from 377 in 2020. Further, Philadelphia reported that 90% of street opioid samples in 2021 contained Xylazine. Because Xylazine poses a substantial risk to the residents of this Commonwealth, the Secretary has determined to schedule it as a Schedule III controlled substance on a temporary basis under section 4(3) of the act (35 P.S. § 780-104(3)). In doing so, the Secretary is acting to protect the residents of this Commonwealth. Substances in Schedule III are those that have a potential for abuse less than those listed in Schedules I and II; a well-documented and currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence.

Legal Authority and Action

Under section 3 of the act, the Secretary shall control all substances listed in Schedules I—V of the act. Under section 3(d) of the act, the Secretary is authorized to schedule any substance on a temporary basis to avoid an imminent hazard to public safety. When determining whether a substance poses an imminent hazard to public safety, the Secretary is required to consider: (1) the substance's history and current pattern of abuse; (2) the substance's scope, duration and significance of its abuse; (3) the risk to the public health; and (4) whether the substance is controlled under Federal law. When a substance is already controlled under Federal law, the Secretary is not required to take the remaining factors into consideration.

In addition, the Secretary is authorized under section 3(d) of the act to schedule on a temporary basis a substance under one of the schedules in section 4 of the act or 28 Pa. Code §§ 25.72 and 25.75 (relating to schedules of controlled substances; and paregoric) and if no exception or approval is in effect for the substance under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 355).

In taking this action, the Secretary has considered: (1) that Xylazine has a documented, acceptable and important use in veterinary medicine, however, it currently is not approved for legitimate use by humans in the United States; (2) that Xylazine, both isolated and in combination with other drugs, is a cause or contributing cause of an increasing number of deaths in this Commonwealth; (3) the rise of Xylazine as a common adulterant in the drug supply; and (4) Naloxone and other reversal agents' lack of effectiveness in the event of an overdose involving Xylazine. Accordingly, although not currently scheduled at the Federal level, the Secretary has determined that Xylazine is a dangerous hazard to public safety in this Commonwealth.

Accordingly, the Secretary controls Xylazine as a Schedule III substance except when it is used in any of the following manners:

1. Dispensing or prescribing for, or administration to, a nonhuman species of a drug containing Xylazine that has been approved by the Secretary of Health and Human Services under section 512 of The Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 360b).
2. Dispensing or prescribing for, or administration to, a nonhuman species that is permissible under section 512(a)(4) of The Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 360b(a)(4)).
3. The manufacturing, distribution or use of Xylazine as an active pharmaceutical ingredient for manufacturing an animal drug approved under section 512 of The Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 360b or issued an investigation use exemption under subsection (j) of § 512.)
4. The manufacturing, distribution or use of a Xylazine bulk chemical for pharmaceutical compounding by licensed pharmacists or veterinarians.
5. Another use approved or permissible under The Federal Food, Drug, and Cosmetic Act.

For purposes of this temporary scheduling, Xylazine means any of the following substances, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Xylazine.
- (2) Xylazine-M (2,6-Mich dimethylaniline).
- (3) Xylazine-M (N-thiourea-2,6-dimethylaniline).
- (4) Xylazine-M (Sulfone-HO-) isomer 2.
- (5) Xylazine-M (HO-2,6-dimethylalane isomer 1).
- (6) Xylazine-M (HO-2,6-dimethylalane isomer 2).
- (7) Xylazine M (oxo-).
- (8) Xylazine-M (HO-) isomer 1.
- (9) Xylazine-M (HO-) isomer 1 glucuronide.
- (10) Xylazine-M (HO-) isomer 2.
- (11) Xylazine-M (HO-) isomer 2 glucuronide.
- (12) Xylazine-M (HO-oxo-) isomer 1.
- (13) Xylazine-M (HO-oxo-) isomer 1 glucuronide.
- (14) Xylazine-M (HO-oxo-) isomer 2.
- (15) Xylazine-M (HO-oxo-) isomer 2 glucuronide.
- (16) Xylazine-M (sulfone).
- (17) Xylazine-M (sulfone-HO-) isomer 1.
- (18) A compound, mixture or preparation which contains any quantity of the substances referred to in subparagraphs (1)–(17).

To revise 28 Pa. Code § 25.72 to conform to this final notice issued by the Secretary under section 3(c) of the act to temporarily schedule Xylazine, subject to the limitations previously outlined, as a Schedule III controlled substance, the Department plans to promulgate a conforming amendment to 28 Pa. Code § 25.72 through final-form rulemaking with proposed rulemaking omitted.

Accessibility

For additional information, or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Melissa Myers, Policy Office, 625 Forster Street, 8th Floor, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3104, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-734. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Temporary Scheduling of Substances; Nitazene Class of Compounds: Isotonitazene; Protonitazene; Flunitazene; Metodesnitazene; Metonitazene; Etonitazene; Butonitazene; and Etodesnitazene as Schedule I Controlled Substances

The Acting Secretary of Health (Secretary) of the Department of Health (Department) is issuing this final order temporarily scheduling any material, compound, mixture or preparation which contains any quantity of the following Nitazene substances, their salts, isomers and salts of isomers: Isotonitazene; Protonitazene; Flunitazene; Metodesnitazene; Metonitazene; Etonitazene; Butonitazene; and Etodesnitazene (Nitazene class of

compounds). These substances are not currently listed in any schedule of The Controlled Substance, Drug, Device and Cosmetic Act (act) (35 P.S. §§ 780-101–780-144). This final order will place this group of substances in Schedule I under the act. The Secretary is taking this action because the scheduling of this Nitazene class of compounds in this Commonwealth on a temporary basis is necessary to avoid an imminent hazard to public safety.

On April 12, 2023, under section 3(d)(4) of the act (35 P.S. § 780-103(d)(4)), the Secretary transmitted to the Attorney General for review, a copy of the notice of intent to issue a final order. On April 13, 2023, the Attorney General's Office agreed in writing that the temporary scheduling of the Nitazene class of compounds as Schedule I controlled substances under the act was appropriate. The Secretary's notice of intent was published at 53 Pa.B. 2271 (April 22, 2023).

Under the act, a formal order may not be issued before the expiration of 14 days after both:

(i) The date of publication in the *Pennsylvania Bulletin* of the proposed notice of the intention to issue a final notice and the grounds upon which the order is to be issued.

(ii) The date the Secretary transmitted the notice to the Attorney General.

This formal order temporarily scheduling the Nitazene class of compounds as Schedule I controlled substances is effective for 1 year from the date of publication of this final order in the *Pennsylvania Bulletin*. The Secretary may, during proceedings to permanently control the Nitazene class of compounds under section 3(d)(2) of the act, extend the temporary scheduling for up to 1 additional year.

Background

The United States Drug Enforcement Administration (DEA) scheduled several Nitazenes including: Isotonitazene; Protonitazene; Flunitazene; Metodesnitazene; Metonitazene; Etonitazene; Butonitazene; and Etodesnitazene, as Schedule I controlled substances under the Federal Controlled Substance Act (CSA) (21 U.S.C.A. §§ 801–971).¹ Under the CSA, every controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States and the degree of dependence the drug or other substance may cause. 21 U.S.C.A. § 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C.A. § 812(c), and the current list of all scheduled substances is published at 21 CFR Part 1308 (relating to schedules of controlled substances).

Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision. 21 U.S.C.A. § 812(b)(1). The DEA determined that, because Nitazenes, including: Isotonitazene; Protonitazene; Flunitazene; Metodesnitazene; Metonitazene; Etonitazene; Butonitazene; and Etodesnitazene: (1) have high potential for abuse; (2) have no currently accepted medical use in treatment in the United States; (3) lack accepted safety for use under medical supervision; and (4) have been responsible for numerous deaths, it was, therefore, neces-

¹ Isotonitazene was permanently placed on the list of Schedule I controlled substances under the CSA in 2021. Protonitazene, Flunitazene, Metodesnitazene, Metonitazene, Etonitazene, Butonitazene and Etodesnitazene were temporarily scheduled as Schedule I controlled substances under the CSA effective December 2021, and extended through April 2024.

sary to schedule these substances into Schedule I of the CSA to avoid an imminent and continued hazard to the public safety.

While scheduled Federally, the substances are not scheduled in the act. Pharmacological data suggest that this Nitazene class of compounds have potency similar to or greater than Fentanyl based on their structural modifications. Because the Nitazene class of compounds pose a substantial risk to the residents of this Commonwealth, the Secretary has determined to schedule them as Schedule I controlled substances on a temporary basis. In doing so, the Secretary is acting to protect the residents of this Commonwealth and bring the Commonwealth into conformity with Federal law.

Legal Authority and Action

Under section 3 of the act, the Secretary shall control all substances listed in Schedules I—V of the act. Under section 3(d) of the act, the Secretary is authorized to schedule any substance on a temporary basis to avoid an imminent hazard to public safety. When determining whether a substance poses an imminent hazard to public safety, the Secretary is required to consider: (1) the substance's history and current pattern of abuse; (2) the substance's scope, duration and significance of its abuse; (3) the risk to the public health; and (4) whether the substance is controlled under Federal law. When a substance is already controlled under Federal law, the Secretary is not required to take the remaining factors into consideration.

In addition, the Secretary is authorized under section 3(d) of the act, to schedule on a temporary basis a substance under one of the schedules in section 4 of the act (35 P.S. § 780-104), regarding schedules of controlled substances, if the substance is not listed in any other schedule in section 4 of the act or 28 Pa. Code §§ 25.72 and 25.75 (relating to schedules of controlled substances; and paregoric) and if no exception or approval is in effect for the substance under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 355). As previously noted, the United States Food and Drug Administration has not approved Isotonitazene, Protonitazene, Flunitazene, Metodesnitazene, Metonitazene, Etonitazene, Butonitazene or Etodesnitazene for any type of medical use.

Because these substances are Schedule I narcotics under the CSA, the Secretary has the authority to temporarily schedule these substances under the act. Although not required to do so in taking this action, the Secretary has considered: (1) that these Nitazene class compounds are currently not approved for legitimate use in the United States; (2) that these Nitazene class compounds have potency similar to or greater than Fentanyl; (3) the availability of the Nitazene class compounds through online sites; and (4) the addictive nature of these Nitazene class compounds. Accordingly, the Secretary determined that these Nitazene class compounds are a dangerous hazard to public safety.

To revise 28 Pa. Code § 25.72 to conform to this final notice issued by the Secretary under section 3(c) of the act to temporarily schedule the Nitazene class of compounds as Schedule I controlled substances, the Department plans to promulgate a conforming amendment to 28 Pa. Code § 25.72 through final rulemaking with proposed rulemaking omitted.

Accessibility

For additional information, or persons with a disability who require an alternative format of this notice (for

example, large print, audiotape, Braille) should contact the Department of Health, Melissa Myers, Policy Office, 625 Forster Street, 8th Floor, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3104, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-735. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fast \$5 Fireflies Fast Play Game 5200

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Fast \$5 Fireflies ("Fast \$5 Fireflies"). The game number is PA-5200.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *FAST \$5:* The area on a Fast \$5 Fireflies ticket containing Firefly play symbols that, when played according to the instructions, determines whether the player wins a prize. FAST \$5 is played separately.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket which contains one or more play symbols.

(i) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize:* A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Fast \$5 Fireflies ticket is \$1.

4. *Description of the Fast \$5 Fireflies Fast Play lottery game*:

(a) The Fast \$5 Fireflies lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Fast \$5 Fireflies tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Fast \$5 Fireflies is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player correctly matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) Fast \$5 Fireflies tickets contain a “FAST \$5” area. When five Firefly symbols appear in the “YOUR NUMBERS” area in any combination, the player wins a prize of \$5 instantly. “FAST \$5” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Fast \$5 Fireflies tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Fast \$5 Fireflies ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Fast \$5 Fireflies ticket and select the Fast \$5 Fireflies option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Fast \$5 Fireflies ticket characteristics*:

(a) Fast \$5 Fireflies tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Fast \$5 Fireflies tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “FAST \$5” area. The “FAST \$5” area is played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18

(EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY). The play symbols located in the “FAST \$5” area, are: Firefly 1 symbol, Firefly 2 symbol and a Firefly 3 symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THREE DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,500 (TWYFIVHUN).

(d) *Prizes*: The prizes that can be won in this game, are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$500 and \$2,500. The prize that can be won in the “FAST \$5” area is \$5. A player can win up to seven times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 960,000 tickets will be available for sale for the Fast \$5 Fireflies lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Fast \$5 Fireflies prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area under the match-

ing "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which five Firefly symbols appear in the "YOUR NUMBERS" area in any combination, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$3.⁰⁰ (THR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Fast \$5 Fireflies Fast Play Game Ticket.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"FAST \$5":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets:</i>
FREE		FREE \$1 TICKET	10	96,000
\$1		\$1	20	48,000
\$1 × 2		\$2	50	19,200
\$2		\$2	50	19,200
\$1 × 3		\$3	200	4,800
\$2 + \$1		\$3	200	4,800
\$3		\$3	200	4,800
(\$2 × 2) + \$1		\$5	500	1,920
\$3 + \$2		\$5	500	1,920
	\$5 w/ 5 FIREFLIES	\$5	62.5	15,360
\$5		\$5	1,000	960
\$5 × 2		\$10	10,000	96
(\$3 × 2) + (\$2 × 2)		\$10	5,000	192
(\$2 × 2) + \$1	\$5 w/ 5 FIREFLIES	\$10	1,429	672
\$3 + \$2	\$5 w/ 5 FIREFLIES	\$10	1,429	672
\$5	\$5 w/ 5 FIREFLIES	\$10	1,000	960
\$10		\$10	10,000	96
\$5 × 3		\$15	10,000	96
(\$2 × 2) + \$5 + \$1	\$5 w/ 5 FIREFLIES	\$15	714	1,344
(\$3 × 3) + \$1	\$5 w/ 5 FIREFLIES	\$15	714	1,344
\$10	\$5 w/ 5 FIREFLIES	\$15	714	1,344

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"FAST \$5":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets:</i>
\$15		\$15	10,000	96
\$10 × 2		\$20	12,000	80
(\$2 × 3) + \$5 + \$3 + \$1	\$5 w/ 5 FIREFLIES	\$20	1,333	720
(\$3 × 3) + (\$2 × 3)	\$5 w/ 5 FIREFLIES	\$20	1,333	720
\$10 + \$5	\$5 w/ 5 FIREFLIES	\$20	1,333	720
\$15	\$5 w/ 5 FIREFLIES	\$20	1,263	760
\$20		\$20	12,000	80
\$15 × 2		\$30	24,000	40
(\$3 × 2) + (\$2 × 2) + \$10 + \$5	\$5 w/ 5 FIREFLIES	\$30	3,000	320
(\$5 × 2) + \$10 + \$3 + \$2	\$5 w/ 5 FIREFLIES	\$30	3,000	320
\$20 + \$5	\$5 w/ 5 FIREFLIES	\$30	3,000	320
\$30		\$30	24,000	40
(\$20 × 2) + \$10		\$50	24,000	40
(\$10 × 3) + (\$5 × 3)	\$5 w/ 5 FIREFLIES	\$50	2,000	480
\$30 + \$15	\$5 w/ 5 FIREFLIES	\$50	2,000	480
\$50		\$50	24,000	40
\$50 × 2		\$100	40,000	24
\$50 + \$30 + \$15	\$5 w/ 5 FIREFLIES	\$100	24,000	40
\$100		\$100	40,000	24
\$500		\$500	120,000	8
\$2,500		\$2,500	192,000	5

FAST \$5: When five "Firefly" symbols appear in the YOUR NUMBERS area, win \$5 instantly! FAST \$5 is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Fast \$5 Fireflies lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Fast \$5 Fireflies lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Fast \$5 Fireflies or through normal communications methods.

19. *Applicability:* This notice applies only to the Fast \$5 Fireflies lottery game announced in this notice.

PATRICK BROWNE,
Acting Secretary

[Pa.B. Doc. No. 23-736. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Sky's the Limit Fast Play Game 5198

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Sky's the Limit ("Sky's the Limit"). The game number is PA-5198.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *CLOUD BONUS*: The area on a Sky's the Limit lottery game ticket containing one play symbol and one prize symbol that, when played according to the instructions, determines whether the player wins the prize amount shown. "CLOUD BONUS" is played separately.

(d) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *PAPER PLANES*: The numbers, letters, symbols or other characters found in the "YOUR NUMBERS" area that, when played according to the instructions, determine whether the player increases any prize won in the "YOUR NUMBERS" area by \$20.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when

matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Sky's the Limit ticket is \$20.

4. *Description of the Sky's the Limit Fast Play lottery game*:

(a) The Sky's the Limit lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Sky's the Limit tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Sky's the Limit is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. Whenever nine Paper Plane symbols appear with one or more winning matches in the "YOUR NUMBERS" area, the player increases any prize won by \$20. A bet slip is not used to play this game.

(c) Sky's the Limit tickets contain a "CLOUD BONUS" area. Whenever a Money Plane (MNYPLNE) symbol appears in the "CLOUD BONUS" area, the player wins the prize shown in the "CLOUD BONUS" area. "CLOUD BONUS" is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Sky's the Limit tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Sky's the Limit ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Sky's the Limit ticket and select the Sky's the Limit option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Sky's the Limit ticket characteristics*:

(a) Sky's the Limit tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Sky's the Limit tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "CLOUD BONUS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, located in the

“YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWTENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT) and a 9 (NINE) symbol. The play symbols and their captions, located in the “CLOUD BONUS” area, are: Suitcase (SUITCSE) symbol, Airplane (PLANE) symbol, Ticket (TICKET) symbol, Wallet (WALLET) symbol, Passport (PASSPRT) symbol and a Money Plane (MNYPLNE) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$350,000 (THRFTYTHO). The prize symbols and their captions, located in the “CLOUD BONUS” area, are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$500 (FIV HUN).

(d) *Prizes:* The prizes that can be won in this game, are: \$20, \$30, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$350,000. The prizes that can be won in the “CLOUD BONUS” area, are: \$20, \$30, \$40, \$50, \$100, \$200 and \$500. Sky’s the Limit also contains a feature that can increase the prize won by \$20. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to 22 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 480,000 tickets will be available for sale for the Sky’s the Limit lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Sky’s the Limit prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$350,000 (THRFTYTHO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$350,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in five of the matching “YOUR NUMBERS” Prize areas, a prize symbol of \$500 (FIV HUN) appears six of the matching “YOUR NUMBERS” Prize areas, a prize symbol of \$200 (TWO HUN) appears in five of the matching “YOUR NUMBERS” Prize areas and a prize symbol of \$100 (ONE HUN) appears in three of the matching “YOUR NUMBERS” Prize areas, and upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN)

appears in the “Prize” area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$9,800.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in five of the matching “YOUR NUMBERS” Prize areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the matching “YOUR NUMBERS” Prize areas, and upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the Prize area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$950.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in four of the matching “YOUR NUMBERS” Prize areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in five of the matching “YOUR NUMBERS” Prize areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the matching “YOUR NUMBERS” Prize areas, and upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40⁰⁰ (FORTY) appears in the Prize area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$950.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in one of the matching “YOUR NUMBERS” Prize areas, a prize symbol of \$200 (TWO HUN) appears in one of the matching “YOUR NUMBERS” Prize areas, a prize symbol of \$100 (ONE HUN) appears in one of the matching “YOUR NUMBERS” Prize areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the matching “YOUR NUMBERS” Prize areas, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$900.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which a Money Plane (MNYPLNE) symbol appears in the “CLOUD BONUS”

area and a prize symbol of \$500 (FIV HUN) appears in the "CLOUD BONUS" Prize area, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in four of the matching "YOUR NUMBERS" Prize areas, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$480.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in two of the matching "YOUR NUMBERS" Prize areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the matching "YOUR NUMBERS" Prize areas, a prize symbol of \$40⁰⁰ (FORTY) appears in one of the matching "YOUR NUMBERS" Prize areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the matching "YOUR NUMBERS" Prize areas, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$480.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in one of the matching "YOUR NUMBERS" Prize areas, a prize symbol of \$100 (ONE HUN) appears in one of the matching "YOUR NUMBERS" Prize areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the matching "YOUR NUMBERS" Prize areas and a prize symbol of \$40⁰⁰ (FORTY) appears in one of the matching "YOUR NUMBERS" Prize areas, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, shall be entitled to a prize of \$470.

(p) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the matching "YOUR NUMBERS" Prize areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the matching "YOUR NUMBERS" Prize areas, and upon which a 9 (NINE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$470.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the matching "YOUR NUMBERS" Prize areas, and upon which a 9 (NINE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the Prize area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which a 9 (NINE) symbol appears in the "YOUR NUMBERS" area and a prize

symbol of \$200 (TWO HUN) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which a Money Plane (MNYPLNE) symbol appears in the "CLOUD BONUS" area and a prize symbol of \$200 (TWO HUN) appears in the "CLOUD BONUS" Prize area, on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the matching "YOUR NUMBERS" Prize areas, and upon which a 9 (NINE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$170.

(v) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in four of the matching "YOUR NUMBERS" Prize areas, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$160.

(w) Holders of tickets upon which and any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in three of the matching "YOUR NUMBERS" Prize areas, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$150.

(x) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the Prize area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the matching "YOUR NUMBERS" Prize areas, and upon which a 9 (NINE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$40⁰⁰ (FORTY) appears in the Prize area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which a 9 (NINE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which a Money Plane (MNYPLNE) symbol appears in the "CLOUD BONUS" area and a prize symbol of \$100 (ONE HUN) appears in the "CLOUD BONUS" Prize area, on a single ticket, shall be entitled to a prize of \$100.

(bb) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the matching "YOUR NUMBERS" Prize areas, and upon which a 9 (NINE) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the Prize

area under that 9 (NINE) symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$80.

(cc) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$70.

(dd) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40^{.00} (FORTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$60.

(ee) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(ff) Holders of tickets upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50^{.00} (FIFTY) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(gg) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30^{.00} (THIRTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$50.

(hh) Holders of tickets upon which a Money Plane (MNYPLNE) symbol appears in the “CLOUD BONUS” area and a prize symbol of \$50^{.00} (FIFTY) appears in the “CLOUD BONUS” Prize area, on a single ticket, shall be entitled to a prize of \$50.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40^{.00} (FORTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(jj) Holders of tickets upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40^{.00} (FORTY) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(kk) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, and upon which nine Paper Plane symbols appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$40.

(ll) Holders of tickets upon which a Money Plane (MNYPLNE) symbol appears in the “CLOUD BONUS” area and a prize symbol of \$40^{.00} (FORTY) appears in the “CLOUD BONUS” Prize area, on a single ticket, shall be entitled to a prize of \$40.

(mm) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30^{.00} (THIRTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(nn) Holders of tickets upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30^{.00} (THIRTY) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(oo) Holders of tickets upon which a Money Plane (MNYPLNE) symbol appears in the “CLOUD BONUS” area and a prize symbol of \$30^{.00} (THIRTY) appears in the “CLOUD BONUS” Prize area, on a single ticket, shall be entitled to a prize of \$30.

(pp) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the Prize area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(qq) Holders of tickets upon which a 9 (NINE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20^{.00} (TWENTY) appears in the Prize area under that 9 (NINE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(rr) Holders of tickets upon which a Money Plane (MNYPLNE) symbol appears in the “CLOUD BONUS” area and a prize symbol of \$20^{.00} (TWENTY) appears in the “CLOUD BONUS” Prize area, on a single ticket, shall be entitled to a prize of \$20.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“CLOUD BONUS”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 480,000 Tickets:</i>
	\$20	\$20	25	19,200
\$20 w/ 9 SYMBOL		\$20	27.4	17,520
\$20		\$20	33.33	14,400
	\$30	\$30	50	9,600
\$30 w/ 9 SYMBOL		\$30	25	19,200

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"CLOUD BONUS":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 480,000 Tickets:</i>
\$30		\$30	100	4,800
\$20 × 2		\$40	142.86	3,360
\$20	\$20	\$40	66.67	7,200
	\$40	\$40	66.67	7,200
9 PAPER PLANES w/ \$20		\$40	25	19,200
\$40 w/ 9 SYMBOL		\$40	100	4,800
\$40		\$40	250	1,920
\$30 + \$20		\$50	1,000	480
\$20	\$30	\$50	142.86	3,360
\$30	\$20	\$50	142.86	3,360
	\$50	\$50	166.67	2,880
9 PAPER PLANES w/ \$30		\$50	142.86	3,360
\$50 w/ 9 SYMBOL		\$50	142.86	3,360
\$50		\$50	1,000	480
\$50 × 2		\$100	2,000	240
(\$40 × 2) + \$20		\$100	1,000	480
(\$30 w/ 9 SYMBOL) + \$30 + \$20	\$20	\$100	1,000	480
\$50 w/ 9 SYMBOL	\$50	\$100	1,000	480
9 PAPER PLANES w/ ((\$20 w/ 9 SYMBOL) + \$20)	\$20	\$100	1,000	480
9 PAPER PLANES w/ \$30	\$50	\$100	1,000	480
9 PAPER PLANES w/ \$40	\$40	\$100	1,000	480
9 PAPER PLANES w/ \$50	\$30	\$100	1,000	480
	\$100	\$100	1,000	480
\$100 w/ 9 SYMBOL		\$100	1,000	480
\$100		\$100	5,000	96
\$50 × 4		\$200	12,000	40
\$100 × 2		\$200	12,000	40
\$100 + \$50	\$50	\$200	1,200	400
(\$50 w/ 9 SYMBOL) × 2	\$100	\$200	1,200	400
(\$100 w/ 9 SYMBOL) + (\$40 × 2)	\$20	\$200	1,200	400
9 PAPER PLANES w/ (\$20 × 4)	\$40	\$200	1,200	400
9 PAPER PLANES w/ (\$30 × 3)	\$50	\$200	1,200	400
9 PAPER PLANES w/ ((\$40 w/ 9 SYMBOL) + \$20)	\$100	\$200	1,143	420
9 PAPER PLANES w/ ((\$100 w/ 9 SYMBOL) + \$30)	\$30	\$200	1,143	420
	\$200	\$200	1,200	400
\$200 w/ 9 SYMBOL		\$200	1,200	400
\$200		\$200	24,000	20
\$100 × 5		\$500	24,000	20
(\$100 × 4) + (\$50 × 2)		\$500	24,000	20
(\$200 × 2) + \$100		\$500	24,000	20
(\$200 w/ 9 SYMBOL) + (\$50 w/ 9 SYMBOL) + \$30 + \$20	\$200	\$500	4,800	100

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"CLOUD BONUS":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 480,000 Tickets:</i>
(\$200 w/ 9 SYMBOL) + (\$100 w/ 9 SYMBOL) + \$50 + \$30 + \$20	\$100	\$500	4,800	100
9 PAPER PLANES w/ ((\$30 w/ 9 SYMBOL) + (\$50 × 5))	\$100	\$500	4,800	100
9 PAPER PLANES w/ ((\$100 w/ 9 SYMBOL) + (\$40 × 5) + \$30)	\$30	\$500	4,800	100
9 PAPER PLANES w/ ((\$100 × 2) + (\$50 × 2) + \$40 + \$20)	\$20	\$500	4,800	100
9 PAPER PLANES w/ (\$100 × 4)	\$20	\$500	4,800	100
9 PAPER PLANES w/ (\$200 + \$100 + \$50 + \$40)	\$30	\$500	4,800	100
	\$500	\$500	4,800	100
\$500 w/ 9 SYMBOL		\$500	4,800	100
\$500		\$500	12,000	40
\$200 × 5		\$1,000	60,000	8
\$500 × 2		\$1,000	60,000	8
(\$100 × 2) + (\$50 × 2) + \$200	\$500	\$1,000	60,000	8
(((\$200 w/ 9 SYMBOL) × 2) + (\$50 × 2))	\$500	\$1,000	60,000	8
(\$500 w/ 9 SYMBOL) + (\$200 w/ 9 SYMBOL) + \$100 + \$50 + \$30 + \$20	\$100	\$1,000	60,000	8
9 PAPER PLANES w/ ((\$40 w/ 9 SYMBOL) + (\$40 × 4) + (\$30 × 5) + (\$20 × 10))	\$50	\$1,000	40,000	12
9 PAPER PLANES w/ ((\$50 w/ 9 SYMBOL) + (\$100 × 5) + (\$50 × 4))	\$50	\$1,000	40,000	12
9 PAPER PLANES w/ (\$500 + \$200 + \$100 + \$20)	\$100	\$1,000	40,000	12
\$1,000 w/ 9 SYMBOL		\$1,000	60,000	8
\$1,000		\$1,000	120,000	4
9 PAPER PLANES w/ ((\$100 w/ 9 SYMBOL) + (\$1,000 × 5) + (\$500 × 6) + (\$200 × 5) + (\$100 × 3))	\$200	\$10,000	120,000	4
\$10,000		\$10,000	120,000	4
\$350,000		\$350,000	240,000	2

When a "9" (NINE) symbol appears, win prize shown under that symbol automatically.

PAPER PLANES: When 9 "Paper Plane" symbols appear in the YOUR NUMBERS area, add \$20 to any prize won!

CLOUD BONUS: When a "Money Plane" (MNYPLNE) symbol appears in the CLOUD BONUS area above, win PRIZE shown to the right automatically! CLOUD BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the

sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Sky's the Limit lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Sky's the Limit lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Sky's the Limit or through normal communications methods.

19. *Applicability*: This notice applies only to the Sky's the Limit lottery game announced in this notice.

PATRICK BROWNE,
Acting Secretary

[Pa.B. Doc. No. 23-737. Filed for public inspection June 2, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania THE GAME OF LIFE™ Fast Play Game 5199

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania THE GAME OF LIFE™ (“THE GAME OF LIFE™”). The game number is PA-5199.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *MATCH*: The areas at the top and bottom of a THE GAME OF LIFE™ lottery game ticket containing two play symbols, a “START” area and an “END” area that, when matched according to the instructions, determine whether the player wins a prize of \$50. “MATCH” is played separately and is not multiplied.

(g) *MULTIPLIER*: The area at the bottom of a THE GAME OF LIFE™ lottery game ticket that contains either a 1X (NOMULT), 2X (2TIMES), 5X (5TIMES) or 10X (10TIMES) multiplier symbol that is applied to any prize won in the main play area. The “MATCH” prize is not multiplied.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a THE GAME OF LIFE™ lottery game ticket is \$5.

4. *Description of THE GAME OF LIFE™ Fast Play lottery game*:

(a) THE GAME OF LIFE™ lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined and the player does not have the ability to select their own play symbols. THE GAME OF LIFE™ lottery game tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) THE GAME OF LIFE™ lottery game is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) THE GAME OF LIFE™ lottery game tickets contain a “MULTIPLIER” area. When a 2X (2TIMES) symbol appears in the “MULTIPLIER” area, multiply any prize won in the “YOUR NUMBERS” area by two. When a 5X (5TIMES) symbol appears in the “MULTIPLIER” area, multiply any prize won in the “YOUR NUMBERS” area by five. When a 10X (10TIMES) symbol appears in the “MULTIPLIER” area, multiply any prize won in the play area by ten. When a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, any prize won in the “YOUR NUMBERS” area is not multiplied.

(d) THE GAME OF LIFE™ lottery game tickets contain a “MATCH” area. When the symbol at the “START” area matches the symbol at the “END” area, the player wins a prize of \$50.

(e) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(f) THE GAME OF LIFE™ lottery game tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(g) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a THE GAME OF LIFE™ lottery game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(h) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a THE GAME OF LIFE™ lottery game ticket and select the THE GAME OF LIFE™ option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. THE GAME OF LIFE™ lottery game ticket characteristics:

(a) THE GAME OF LIFE™ lottery game tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* THE GAME OF LIFE™ lottery game tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, a “MULTIPLIER” area and a “MATCH” area. “MATCH” is played separately and is not multiplied. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a PAYDAY (PAYDAY) symbol. The play symbols and their captions, located in the “MULTIPLIER” area, are: 1X (NOMULT) symbol, 2X (2TIMES) symbol, 5X (5TIMES) symbol and a 10X (10TIMES) symbol. The play symbols and their captions, located in the “MATCH” area, are: Airplane (AIRPLNE) symbol, Car (CAR) symbol, Cottage (COTTGE) symbol, Skyscraper (SKYSCRPR) symbol, Briefcase (BRFCASE) symbol, Book (BOOK) symbol, Passport (PASSPRT) symbol, Key (KEY) symbol, Cash (CASH) symbol, Hot Air Balloon (BALLOON) symbol, Motorcycle (MTRCYCL) symbol and a Dog (DOG) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$75,000 (SVYFIVTHO).

(d) *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$25, \$50, \$100, \$500, \$1,000, \$5,000 and \$75,000. The prize that can be won in the “MATCH” area is \$50. A player can win up to eight times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 960,000 tickets will be available for sale for THE GAME OF LIFE™ lottery game.

6. Second Chance Drawing: The Pennsylvania Lottery will conduct a THE GAME OF LIFE™ Second-Chance Drawing for which non-winning THE GAME OF LIFE™ lottery game tickets may be eligible as provided for in section 9.

7. Prizes available to be won and determination of prize winners:

(a) All THE GAME OF LIFE™ prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$75,000 (SVYFIVTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$75,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 10X (10TIMES) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which a PAYDAY (PAYDAY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under that “PAYDAY” symbol, and upon which a 5X (5TIMES) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets upon which a PAYDAY (PAYDAY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “Prize” area under that “PAYDAY” symbol, and upon which a 10X (10TIMES) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets upon which a PAYDAY (PAYDAY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that “PAYDAY” symbol, and upon which a 2X (2TIMES) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “Prize” area under the match-

NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets upon which a PAYDAY (PAYDAY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under that “PAYDAY” symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(hh) Holders of tickets upon which a PAYDAY (PAYDAY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area under that “PAYDAY” symbol, and upon which a 2X (2TIMES) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$5.

(jj) Holders of tickets upon which a PAYDAY (PAYDAY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area under that “PAYDAY” symbol, and upon which a 1X (NOMULT) symbol appears in the “MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MATCH":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets:</i>
\$5 w/ PAYDAY		\$5	12.66	75,840
\$5		\$5	22.22	43,200
\$5 × 2		\$10	100	9,600
2X w/ (\$5 w/ PAYDAY)		\$10	50	19,200
2X w/ \$5		\$10	50	19,200
\$10 w/ PAYDAY		\$10	50	19,200
\$10		\$10	100	9,600
\$5 × 4		\$20	1,000	960
\$10 × 2		\$20	1,000	960
(\$5 × 2) + \$10		\$20	500	1,920
2X w/ ((\$5 w/ PAYDAY) × 2)		\$20	200	4,800
2X w/ (\$5 × 2)		\$20	200	4,800
2X w/ \$10		\$20	200	4,800
\$20 w/ PAYDAY		\$20	200	4,800
\$20		\$20	500	1,920
\$5 × 5		\$25	2,000	480
(\$5 × 3) + \$10		\$25	2,000	480
(\$10 × 2) + \$5		\$25	1,000	960
(((\$5 w/ PAYDAY) × 2) + \$10 + \$5		\$25	1,667	576
(((\$10 w/ PAYDAY) × 2) + (\$5 w/ PAYDAY)		\$25	1,667	576
5X w/ (\$5 w/ PAYDAY)		\$25	333.33	2,880
5X w/ \$5		\$25	333.33	2,880
\$25 w/ PAYDAY		\$25	416.67	2,304
\$25		\$25	2,500	384

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MATCH":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets:</i>
\$10 × 5		\$50	10,000	96
(\$10 × 2) + (\$5 × 2) + \$20		\$50	10,000	96
(\$25 w/ PAYDAY) + (\$20 w/ PAYDAY) + (\$5 w/ PAYDAY)		\$50	10,000	96
10X w/ (\$5 w/ PAYDAY)		\$50	10,000	96
10X w/ \$5		\$50	476.19	2,016
5X w/ ((\$5 w/ PAYDAY) + \$5)		\$50	10,000	96
5X w/ (\$5 × 2)		\$50	10,000	96
2X w/ ((\$10 w/ PAYDAY) + (\$5 w/ PAYDAY) + (\$5 × 2))		\$50	10,000	96
2X w/ ((\$10 × 2) + \$5)		\$50	10,000	96
	\$50 w/ SYMBOL MATCH	\$50	243.9	3,936
\$50 w/ PAYDAY		\$50	10,000	96
\$50		\$50	10,000	96
\$20 × 5		\$100	24,000	40
(\$25 × 2) + (\$20 × 2) + (\$5 × 2)		\$100	24,000	40
(((\$25 w/ PAYDAY) × 2) + (\$25 × 2))		\$100	24,000	40
\$50 w/ PAYDAY	\$50 w/ SYMBOL MATCH	\$100	3,000	320
10X w/ (\$5 w/ PAYDAY)	\$50 w/ SYMBOL MATCH	\$100	1,500	640
10X w/ \$5	\$50 w/ SYMBOL MATCH	\$100	1,412	680
5X w/ ((\$5 w/ PAYDAY) + \$5)	\$50 w/ SYMBOL MATCH	\$100	2,400	400
5X w/ (\$5 × 2)	\$50 w/ SYMBOL MATCH	\$100	2,182	440
5X w/ \$10	\$50 w/ SYMBOL MATCH	\$100	6,000	160
2X w/ (\$5 × 5)	\$50 w/ SYMBOL MATCH	\$100	12,000	80
2X w/ ((\$10 w/ PAYDAY) + (\$5 × 3))	\$50 w/ SYMBOL MATCH	\$100	2,400	400
2X w/ ((\$10 × 2) + \$5)	\$50 w/ SYMBOL MATCH	\$100	2,400	400
10X w/ \$10		\$100	4,800	200
\$100 w/ PAYDAY		\$100	12,000	80
\$100		\$100	24,000	40
\$100 × 5		\$500	60,000	16
(((\$50 w/ PAYDAY) × 2) + (\$100 × 3) + \$50)	\$50 w/ SYMBOL MATCH	\$500	15,000	64
(((\$100 w/ PAYDAY) × 2) + (\$100 × 2) + \$50)	\$50 w/ SYMBOL MATCH	\$500	15,000	64
10X w/ ((\$10 × 3) + (\$5 × 3))	\$50 w/ SYMBOL MATCH	\$500	24,000	40
10X w/ ((\$25 w/ PAYDAY) + (\$10 × 2))	\$50 w/ SYMBOL MATCH	\$500	12,000	80

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MATCH":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets:</i>
5X w/ (($\$25 \times 2$) + ($\20×2))	\$50 w/ SYMBOL MATCH	\$500	24,000	40
5X w/ (($\$50$ w/ PAYDAY) + ($\$20 \times 2$))	\$50 w/ SYMBOL MATCH	\$500	15,000	64
2X w/ (($\$100$ w/ PAYDAY) + ($\$50$ w/ PAYDAY) + ($\$25 \times 3$))	\$50 w/ SYMBOL MATCH	\$500	15,000	64
\$500		\$500	60,000	16
$\$500 \times 2$		\$1,000	120,000	8
10X w/ \$100		\$1,000	120,000	8
\$1,000		\$1,000	120,000	8
$\$1,000 \times 5$		\$5,000	120,000	8
\$5,000		\$5,000	120,000	8
\$75,000		\$75,000	480,000	2

When a "PAYDAY" (PAYDAY) symbol appears, win prize shown under that symbol automatically!

MATCH: When the symbol at the START matches the symbol at the END, win \$50 instantly! MATCH is played separately and is not multiplied.

MULTIPLIER: Multiply any prize won by the multiplier shown in the MULTIPLIER area.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing*: THE GAME OF LIFE™ Second-Chance Drawing from the Pennsylvania Lottery ("Lottery") for qualifying Fast Play lottery game tickets ("Drawing").

(a) *Qualifying Tickets*: Non-winning PA-5199 THE GAME OF LIFE™ (\$5) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry*:

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.pailottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.pailottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(7) Only one claimant per entry allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description*:

(1) The Lottery will conduct one THE GAME OF LIFE™ Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 4:59:59 a.m. June 6, 2023, through 11:59:59 p.m. July 13, 2023, will be entered

into the Drawing tentatively scheduled to be held between July 21, 2023 and July 28, 2023.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <https://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by 2, 5 or 10 ("Entry Multiplier Prize"). Some entries, determined at random, will be awarded the Entry Multiplier Prize. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5199 THE GAME OF LIFE™ (\$5) = five entries.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$25,000, less required income tax withholding.

(ii) The second entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$15,000, less required income tax withholding.

(iii) The third entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The fourth and the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(v) The sixth through the fifty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play THE GAME OF LIFE™ lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play THE GAME OF LIFE™ lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote THE GAME OF LIFE™ or through normal communication methods.

21. *Applicability:* This notice applies only to THE GAME OF LIFE™ lottery game announced in this notice.

PATRICK BROWNE,
Acting Secretary

[Pa.B. Doc. No. 23-738. Filed for public inspection June 2, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Change to Fishing Regulations; 58 Pa. Code § 61.2; Delaware River, West Branch Delaware River and Estuary

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary). Specifically, the Executive Director has amended this section to reduce the maximum legal harvestable length in the striped bass slot limit from less than 35 inches to less than 31 inches from the Pennsylvania line upstream to Calhoun Street Bridge (Delaware Estuary) from January 1 through March 31 and June 1 through December 31 and from the Calhoun Street Bridge upstream (Delaware River) year-round. The daily limits, seasons and gear restrictions will remain the same. These actions are being taken to meet the requirements of the Atlantic States Marine Fisheries Commission (ASMFC).

At its May 2023 quarterly meeting, the ASMFC's Atlantic Striped Bass Management Board, which includes the Commonwealth as a member, approved an emergency action to implement a 31-inch maximum size limit for striped bass recreational fisheries, effective immediately for no less than 180 days (October 28, 2023). This action responds to the unprecedented magnitude of 2022 recreational harvest, which was nearly double that of 2021, and to new stock rebuilding projections which estimate the probability of the rebuilding the spawning stock to its biomass target by 2029 at less than 15% if the higher 2022 fishing mortality rate continues in subsequent years. Previous projections under the lower 2021 fishing mortality rate estimated the rebuilding probability at 97%.

As outlined in the ASMFC's Interstate Fisheries Management Program Charter, a management board can take emergency action to address circumstances under which public health, the conservation of coastal fishery resources or attainment of fishery management objectives has been placed at substantial risk by unanticipated changes in the ecosystem, the stock or the fishery.

The ASMFC implemented the emergency 31-inch maximum size limit for 2023 to reduce harvest of the strong 2015-year class. Jurisdictions are required to implement the required measure as soon as possible but no later than July 2, 2023. If it deems necessary, the ASMFC may extend the emergency action for two additional periods of up to 1 year each at a future meeting. The amendments to 58 Pa. Code § 61.2 are designed to meet this objective.

To address the coast-wide regulation directed by the ASMFC, the Commission's Executive Director has taken immediate action to make the following modifications to fishing regulation:

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
* * * * *			
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31.	28 to less than [35] 31 inches	1
	April 1 through May 31	21 to less than 24 inches	2
	From Calhoun Street Bridge upstream: open year-round	28 to less than [35] 31 inches	1
* * * * *			

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until further notice.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-739. Filed for public inspection June 2, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, May 18, 2023, and announced the following:

Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective May 18, 2023

Environmental Quality Board # 7-563: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance (amends 25 Pa. Code § 92a)

Actions Taken—Regulations Approved:

State Board of Medicine # 16A-4954: Temporary Graduate Perfusionist (amends 49 Pa. Code § 18.604)

State Board of Osteopathic Medicine # 16A-5332: Temporary Graduate Perfusionist License (amends 49 Pa. Code § 25.804)

PA State Civil Service Commission # 61-16: Rules of the Civil Service Commission (amends 4 Pa. Code §§ 93.6(b) and (c), 95.1—95.71, 97.1—97.63, 99.2, 99.11, 99.13—99.15, 99.21—99.25, 99.27, 99.32, 99.34, 99.41, 99.43, 99.52, 101.1—101.71, 103.5—103.23, 105.1, 105.3, 105.5, and 105.18)

Environmental Quality Board # 7-554: Noncoal Mining Clarifications and Corrections (amends 25 Pa. Code Chapter 77)

Environmental Quality Board # 7-557: Water Quality Standards—Dunbar Creek et al. Stream Redesignations (amends 25 Pa. Code Chapter 93)

Environmental Quality Board # 7-555: Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (amends 25 Pa. Code Chapters 225 and 228, deletes 25 Pa. Code Chapter 227 and adopts 25 Pa. Code Chapter 227a)

Environmental Quality Board # 7-574: Radiological Health Fees (amends 25 Pa. Code Chapter 218)

Action Taken—Regulation Disapproved: Order Not Yet Issued

* Department of Human Services # 14-545: Subsidized Child Care Eligibility

* Will advise when order is issued.

Approval Order

Public Meeting Held
May 18, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Medicine—
Temporary Graduate Perfusionist
Regulation No. 16A-4954 (# 3365)*

On March 30, 2023, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code § 18.604. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking conforms the Board's regulations to changes made to the Medical Practice Act by Act 119 of 2016.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 422.8 and 422.13c(c) and (h)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 18, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Osteopathic Medicine—
Temporary Graduate Perfusionist License
Regulation No. 16A-5332 (# 3366)*

On March 30, 2023, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Osteopathic Medicine (Board). This rulemaking amends 49 Pa. Code § 25.804. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking conforms the Board's regulations to changes made to the Osteopathic Medicine Practice Act by Act 120 of 2016.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 271.13c(c) and (h)(1) and 271.16) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 18, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq., dissenting; Dennis A. Watson, Esq., dissenting

*State Civil Service Commission—
Rules of the Civil Service Commission
Regulation No. 61-13 (# 3371)*

On April 12, 2023, the Independent Regulatory Review Commission (Commission) received this regulation from the State Civil Service Commission (SCSC). This rulemaking amends 4 Pa. Code §§ 93.6(b) and (c), 95.1—95.71, 97.1—97.63, 99.2, 99.11, 99.13—99.15, 99.21—99.25, 99.27, 99.32, 99.34, 99.41, 99.43, 99.52, 101.1—101.71, 103.5—103.23, 105.1, 105.3, 105.5, and 105.18. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

SCSC's authority for these regulations no longer exists and has been superseded by the promulgation of Act 71 of June 28, 2018 (Act 71). Under Act 71, SCSC is no longer responsible for the administration of classified service employment.

We have determined this regulation is consistent with the statutory authority of the SCSC (71 Pa.C.S.A. § 2201; 71 P.S. § 186; 45 P.S. §§ 1201, 1202, and 1204(3)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 18, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Noncoal Mining Clarifications and Corrections
Regulation No. 7-554 (# 3291)*

On February 25, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 77. The proposed regulation was published in the March 20, 2021 *Pennsylvania Bulletin* with a public comment period ending on May 4, 2021. The final-form regulation was submitted to the Commission on April 13, 2023.

This rulemaking updates and clarifies the requirements for making several technical revisions. These amendments include allowing an increase in air blast level, extending the time to activate a permit from three year to five years, setting a threshold for the amount of material that may be extracted during exploration and identifying the circumstances when a permit revision is needed.

We have determined this regulation is consistent with the statutory authority of the Board (52 P.S. § 3311(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 18, 2023

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq., abstaining; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Water Quality Standards; Dunbar Creek
et al. Stream Redesignations
Regulation No. 7-557 (# 3309)*

On June 24, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 93. The proposed regulation was published in the July 31, 2021 *Pennsylvania Bulletin* with a public comment period ending on September 14, 2021. The final-form regulation was submitted to the Commission on April 13, 2023.

This final regulation updates and revises stream redesignations to levels that are appropriately protective based on testing by the Department of Environmental Protection.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 691.5(b)(1) and 691.402, and 71 P.S. § 510-20) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 18, 2023

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson; John J. Soroko,
Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Radiation Safety Requirements for Non-Healing Arts
Radiation Generating Devices
Regulation No. 7-555 (# 3311)*

On July 14, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 225 and 228, deletes 25 Pa. Code Chapter 227 and adopts 25 Pa. Code Chapter 227a. The proposed regulation was published in the August 14, 2021 *Pennsylvania Bulletin* with a public comment period ending on September 13, 2021. The final-form regulation was submitted to the Commission on March 21, 2023.

This final-form regulation amends radiation safety and technical requirements for industrial radiographic operations and non-healing arts radiation-producing devices. The regulation also updates standards to provide for technological advances in radiation technology.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 7110.301(c) and 7110.302 and 71 P.S. § 510-20) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
May 18, 2023

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson; John J. Soroko,
Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Radiological Health Fees
Regulation No. 7-574 (# 3352)*

On August 10, 2022, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 218. The proposed regulation was published in the August 27, 2022 *Pennsylvania Bulletin* with a public comment period ending on September 26, 2022. The final-form regulation was submitted to the Commission on April 13, 2023.

This final regulation increases 16 fees relating to accelerators, radiation-producing machines and vendors/service providers, and 38 fees relating to radioactive materials and decommissioning to sustain the Radiation Protection Program.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 7110.301, 7110.302 and 7110.401 and 71 P.S. § 510-20) and the intention of the General Assembly. Having considered all

of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-740. Filed for public inspection June 2, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

**John Hancock Life Insurance Company (USA)
(SERFF # MULF-133677385); Rate Increase Filing
for Several LTC Forms; Rate Filing**

John Hancock Life Insurance Company (USA) is requesting approval to increase the premium an aggregate 28.7% on 13,428 policyholders with individual LTC forms LTC-02 PA, LTC-02FR PA, BSC-02 PA, BSC-02FR PA, LTC-03 PA, LTC-03FR PA, BSC-03 PA, BSC-03FR PA, LTC-03 PA (2007), LTC-03FR PA (2007), LTC-06 PA, LTC-06FR PA, LTC-03 PA (2008), LTC-03FR PA (2008), LTC-03 PA (2010), LTC-03FR PA (2010) and ICC10-LTC-11.

Unless formal administrative action is taken prior to August 18, 2023, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers," then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-741. Filed for public inspection June 2, 2023, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE
INVESTMENT AUTHORITY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**Clean Water and Drinking Water State Revolving
Fund Programs; Federal Fiscal Year 2023 In-
tended Use Plans; Available For Public Com-
ment**

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FFY) 2023 Intended Use Plans (IUP). The IUPs demonstrate the Commonwealth's plan to utilize the State Revolving Funds (SRF) and includes detailed information that illustrate the intended implementation for

the SRF program. These IUPs include a list of drinking water, wastewater, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the Commonwealth expects to receive from the United States Environmental Protection Agency (EPA) through the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs for FFY 2023. The DWSRF program includes the Base Grant funds as well as supplemental Grant funds made available through the FFY 2023 Federal appropriation, under the Federal Safe Drinking Water Act (42 U.S.C.A. §§ 300f–300j-27) including appropriate State match funds and principal, interest and investment income. In addition, the IUP also applies to the FFY 2023 Bipartisan Infrastructure Law (BIL) Grants—General Supplemental, Lead Service Line Replacement and Emerging Contaminants and the appropriate State match funds. The CWSRF program includes the Base Grant funds as well as supplemental Grant funds made available through the FFY 2023 Federal appropriation under Title VI of the Water Quality Act of 1987 (33 U.S.C.A. §§ 1381–1389) including appropriate State match funds and principal, interest and investment income. In addition, the IUP also applies to the FFY 2023 BIL Grants—General Supplemental, Emerging Contaminants and the appropriate State match funds.

The projects to be considered for a loan or grant from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and the Federal Clean Water Act (33 U.S.C.A. §§ 1251–1389). Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to the use of the DWSRF and CWSRF loan or grant funds. A project must appear on a PENNVEST-approved IUP before it can receive a loan or grant from the SRF programs. Projects listed in the FFY 2023 IUPs are on the Commonwealth's Project Priority Lists (PPL) and are expected to proceed with design and engineering or construction within the next 2 years. A project's readiness to proceed and the reasonable availability of alternative funds also impact project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The DWSRF will be capitalized with an approximated maximum of \$266.2 million in Federal funds (\$265.9 million for FFY 2023 and \$316,000 from a FFY 2021 reallocation) and \$10.2 million of State funds. Approximately \$10.8 million of these funds will be set aside for technical assistance to small systems, operator training and certification, and source water assessment and protection, as authorized under the Federal Safe Drinking Water Act. The DWSRF IUP also includes a narrative work plan that describes how these set-aside funds will be used. PENNVEST is also allocating \$10.6 million for administrative purposes. Finally, approximately \$137.9 million will be set-aside as additional subsidy for primarily disadvantaged communities. The FFY 2023 DWSRF grant does not have a requirement to set aside funding for green infrastructure projects. However, the Commonwealth will continue to promote green infrastructure projects that meet the EPA criteria for green infrastruc-

ture and can fall into one or more of the following four categories: (1) water efficiency; (2) energy efficiency; (3) environmentally innovative; and (4) green stormwater infrastructure.

The CWSRF will be capitalized with an approximated maximum of \$120.7 million in Federal funds and approximately \$14.1 million in State funds. Approximately \$1 million will be set aside for the Onlot Sewage Disposal Program. An approximated maximum of \$54.8 million will be set aside as additional subsidy for primarily disadvantaged communities. Finally, a goal has been set to identify a minimum of \$12.0 million of green infrastructure projects that meet the EPA criteria for green infrastructure and can fall into one or more of four categories: (1) water efficiency; (2) energy efficiency; (3) environmentally innovative; and (4) green stormwater infrastructure.

A copy of the IUPs, ranking frameworks, the PPLs and the DWSRF set-aside work plan may be obtained through the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance. The link to these documents is on the right-hand side of the page under "State Revolving Fund Intended Use Plan," or by contacting Jay Patel, Division of Municipal Facilities, at (717) 787-5017.

Interested persons may submit comments to the Department on the narrative portion of the IUPs, the PPLs and the DWSRF set-aside work plan through Monday, July 3, 2023. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Clean Water and Drinking Water State Revolving Funds" as the subject line in written communication.

Department of Environmental Protection
Bureau of Clean Water
Division of Municipal Facilities
P.O. Box 8774
Rachel Carson State Office Building
400 Market Street, 11th Floor
Harrisburg, PA 17101-8774
(717) 787-5017

PENNVEST
333 Market Street, 18th Floor
Harrisburg, PA 17101-2210
(717) 783-4493
(877) 787-8137

RICHARD NEGRIN,
Acting Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority
ROBERT BOOS,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 23-742. Filed for public inspection June 2, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance

Public Meeting held
May 18, 2023

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Cancellation of Certificates of Public Convenience for
Motor Carriers; Failure to Maintain Evidence of
Insurance; M-2023-3040348*

Tentative Order

By the Commission:

Pursuant to Section 512 of the Public Utility Code (Code), 66 Pa.C.S. § 512, the Pennsylvania Public Utility Commission (Commission) is authorized to prescribe appropriate insurance requirements for motor carriers. Section 512 of the Code provides, in relevant part:

The commission may, as to motor carriers, prescribe, by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers. . . shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy or a surety bond issued by an insurance carrier, or a bonding company authorized to do business in this Commonwealth, in such amounts as the commission may prescribe. . .

66 Pa.C.S. § 512.

Consistent with this broad statutory charge, the Commission has promulgated regulations governing motor carrier insurance requirements at Chapter 32 of title 52 Pa. Code.¹ Those regulations provide, inter alia, that a motor carrier may not operate, and a certificate of public convenience will not be issued or remain in force, until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in Pennsylvania for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. See 52 Pa. Code §§ 32.11, 32.12. The certificate of insurance, commonly known as a Form E, is in a form prescribed and approved by the Commission and provides protection for bodily injury, death, or property damage. 52 Pa. Code § 32.2(a). Additionally, the Commission regulations require that certain carriers maintain evidence of cargo insurance via a certificate of insurance commonly known as a Form H. Further, the Commission's regulations require that evidence of insurance be maintained at all times with the Commission to ensure the protection of the public:

(h) *Compliance.* Failure to maintain evidence of insurance on file with the Commission in accordance with this chapter shall cause the immediate suspension of the rights and privileges conferred by a

certificate of public convenience or permit held by the motor carrier. The Commission may establish rules under which suspended rights and privileges may be temporarily reinstated pending compliance with this chapter.

52 Pa. Code § 32.2(h).

The Commission has been notified that the motor carriers listed in Appendix A, attached hereto, no longer have acceptable evidence of insurance on file with the Commission. As such, the Commission sent all carriers a letter notifying them that their operating authority was suspended. Since the date of the suspensions, these motor carriers have failed to cure the deficiency and maintain acceptable evidence of insurance with the Commission, notwithstanding notification by the Commission of the suspension and the necessity to provide acceptable evidence of insurance.

Under these circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the insurance requirements of 66 Pa.C.S. § 512 and our regulations at 52 Pa. Code Chapter 32. As such, it is appropriate to initiate the process to cancel their certificates of public convenience as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby tentatively approved as being in the public interest.
2. The Secretary's Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.
3. The Secretary shall serve a copy of this Tentative Order upon all motor carriers listed in Appendix A.
4. The Secretary shall file this Tentative Order at each motor carrier's assigned docket number.
5. To the extent that any of the motor carriers listed on Appendix A challenge cancellation of their Certificates of Public Convenience, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.
6. Alternatively, acceptable evidence of insurance may be filed with the Commission on behalf of the motor carriers listed in Appendix A, within thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Motor carriers listed in Appendix A who desire to continue operations should immediately contact their insurance agents to secure compliance with Commission insurance requirements. It is the motor carrier's responsibility to ensure compliance. Motor carriers can verify their insurance status at our Web Site at <https://www.puc.pa.gov/search/utility-authority-search/>.

Additionally, motor carriers may call our insurance hotline at (717)-787-1227 for more information.

7. Absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely filing of acceptable evidence of insurance, the Bureau of Technical Utility Services shall prepare a Secretarial Letter for issuance by the Secretary's Bureau canceling the carrier's applicable Certificate of Public Convenience. The Secretarial Letter shall direct the De-

¹ 52 Pa. Code §§ 32.11—32.16.

partment of Transportation to suspend the carrier's vehicle registration(s) consistent with 75 Pa.C.S. § 1375.

8. Upon issuance of the Secretarial Letter described in Ordering Paragraph No. 7 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

9. The Secretary serve a copy of the Secretarial Letter upon the Commission's Bureau of Investigation and En-

forcement, Bureau of Technical Utility Services, Bureau of Administration, the Pennsylvania Department of Revenue—Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 18, 2023

ORDER ENTERED: May 18, 2023

Appendix A
Carriers Without Acceptable Evidence of Insurance

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
6222171	COMFORT RIDES CORPORATION	Paratransit	Liability
6324739	CROWN TRANSPORTATION, LLC	Taxi	Liability
6325199	NOMAD RIDESHARE, LLC	TNC (Transportation Network Company)	Liability
640220	J. J. SERAFIN, INC.	Paratransit, Limousine	Liability
640585	JAVY ENTERPRISES, INC.	Limousine	Liability
6412627	SHIRLEY A. RICE	Paratransit	Liability
6413984	RELIABLE TRANSIT, INC.	Paratransit	Liability
641412	CLETUS & NANCY RESSLER, LLC	Paratransit	Liability
641846	BUCKS CAB CO, LLC	Limousine	Liability
6419037	DONALD HENRY BIGGER, JR.	Paratransit	Liability
6419420	RABBIT HOLLOW TRANSPORTATION, LLC	Paratransit	Liability
6419498	NICHOLAS MAHLON HILTON	Limousine	Liability
6419895	BISCONTI FARMS, INC.	GP11—15	Liability
6420386	AMBASSADOR 35 LIMOUSINE, INC.	Limousine	Liability
6420646	BONNIE LYNN GORDON	Paratransit	Liability
6420755	ALL THE WAY TRANSPORTATION, LLC	Paratransit, Limousine	Liability
6421583	LMC LIMOUSINE & TRANSPORTATION SERVICES, INC.	Limousine	Liability
6421674	JAMES L. GINGERY	Paratransit	Liability
6422303	SIP AND PLAY TOURS, LLC	Paratransit, Airport, GP11—15, GP16+	Liability
6422716	ROYALTY TRANSPORTATION SERVICES, LLC	Paratransit	Liability
6422853	PRIME TRANSPORT SERVICES, LLC	Paratransit	Liability
6422946	MDT—AIRPORT TRANSFER, LLC	Airport Transfer	Liability
6423704	BEELINE TRANSPORTATION, LLC	Paratransit	Liability
6424688	AMERICAN CHRISTIAN TRANSPORTATION, LLC	Paratransit	Liability
6425076	GIFT OF HELPS, LLC	Paratransit	Liability
6425440	US MEDICAL TRANSPORTATION, LLC	Paratransit	Liability
6425533	CHAMPION MARKETING CORP.	Paratransit	Liability
647995	F & S TRANSPORTATION, INC.	GP16+	Liability
700522	JEFFREY T. TEETS	Truck	Liability/Cargo
703640	E. MARTIN TRUCKING, LLC	Truck	Liability/Cargo
704152	GARY C. WALK, JR.	Household Goods Carrier, Truck	Liability
704502	NUSS, INC.	Truck	Liability
704954	D & S EXPRESS, INC.	Truck	Liability
706508	ZIEGLER, DANIEL JAMES	Truck	Cargo only
707739	R.D.S. MOVERS, INC.	Household Goods Carrier	Cargo only

NOTICES

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<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
708239	RONALD S. KEENER GRAIN, LLC	Truck	Cargo only
708630	WRAY CORNELL	Truck	Liability/Cargo
791660	LIBERTY TRANSPORTATION, INC.	Truck	Liability/Cargo
8911115	LAUREL CREEK TRANSPORT, INC.	Truck	Liability/Cargo
8911303	R.C. MOORE, INC.	Truck	Cargo only
8913367	VALLEY MANUFACTURED HOME TRANSPORT, LLC	Truck	Cargo only
8913541	CAMCO MANUFACTURING, INC.	Truck	Liability/Cargo
8913738	KEVIN & MICHAEL YOST CO-PARTNERS T/A YOST EXCAVATING & HAULING	Truck	Cargo only
8913740	WILMER R. DREIBELBIS, JR.	Truck	Liability/Cargo
891405	R.J. O'NEILL TRUCKING, INC.	Truck	Liability
8915110	ELITE TRUCKING SERVICES, LLC	Truck	Liability/Cargo
8915222	BLESS CARRIERS, LLC	Truck	Liability/Cargo
8915646	UMBRIAC TRUCKING, LLC	Truck	Liability
8915680	BOZ GENERAL HAULING, INC.	Truck	Liability
8916112	REV HOOPES TRUCKING, LLC	Truck	Liability/Cargo
8917404	GEREKE TRUCKING, LLC	Truck	Cargo only
8917458	JDF CONCRETE SERVICES, LLC	Truck	Liability
8917856	CADE ROX, LLC	Truck	Liability/Cargo
8917878	FARD ENTERPRISES, LLC	Truck	Liability/Cargo
8918199	DAVID KACHMARSKI	Truck	Liability
8918350	VELEZ TRANSPORT, LLC	Truck	Cargo only
8918707	MR THUNDERS TRANSPORT, LLC	Truck	Liability/Cargo
8918729	KACEYS MATERIAL HANDLING, LLC	Truck	Liability/Cargo
8919154	NAT-GAS TRUCKING, INC.	Truck	Liability
8919264	TEUTONIC TRANSPORTATION, LLC	Truck	Liability/Cargo
8919310	NICKSON HOME SERVICES, LLC	Truck	Liability/Cargo
8919618	CHRISTOPHER M. RAY T/A CM & EJ TRANSPORT	Truck	Liability/Cargo
8919824	BERKS LOGISTICS, LLC	Truck	Liability/Cargo
8920071	BIERLY TRUCKING & EXCAVATING, LLC	Truck	Liability
8920074	UPPER ECHELON TRUCKING, LLC	Truck	Liability/Cargo
8920241	TIGHT LINE SERVICES, LLC	Truck	Liability
8920251	MOTI LOGISTICS, LLC	Truck	Liability/Cargo
8920287	METHENY TRUCKING, LLC	Truck	Liability/Cargo
8920288	MASHA MOBILE MOVING AND STORAGE, LLC	Truck	Cargo only
8920529	SUPER MOVER BROS, LLC	Household Goods Carrier, Truck	Liability/Cargo
8920937	AGLER TRUCKING, LLC	Truck	Liability/Cargo
8921006	RELADYNE TRANSPORTATION, LLC	Truck	Liability
8921205	NEW HARVEST TRANSPORTATION INCORPORATED	Truck	Liability
8921489	5 WORLDS SERVICES CORPORATION	Truck	Cargo only
8921552	RATO, LLC	Truck	Liability/Cargo
8921821	LOCUST STREET HOLSTEINS, LLC	Truck	Liability/Cargo
8921969	CMB TRANSPORT LIMITED LIABILITY COMPANY	Truck	Cargo only
8921994	MAS LEASING, LLC	Truck	Cargo only
8922442	SKYLINE TRANSPORT FLEET, LLC	Truck	Cargo only
8922503	JASON MICHAEL SHREK	Truck	Liability/Cargo
8922694	M&H TRANSPORTATION SOLUTIONS, LLC	Truck	Liability/Cargo

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8922720	MAAD TRUCKING, LLC	Truck	Liability/Cargo
8922780	SHUNPIKE ENTERPRISE, LLC	Truck	Liability
8922899	EARTHBORNE SERVICES, LLC	Truck	Liability/Cargo
8922930	MK TRUCKING, LLC	Truck	Liability/Cargo
8922955	W. MILLER & SONS TRUCKING, LLC	Truck	Liability
8923108	PEQUEA MOBILE HOME SALVAGE, LLC	Truck	Cargo only
8923155	MAJ FREIGHTHAULERS, LLC	Truck	Liability/Cargo
8923199	OLD PLAINS TRADING CO, LLC	Truck	Liability/Cargo
8923286	KELLEHER TRUCKING, LLC	Truck	Liability/Cargo
8923290	S&I TRUCKING, INC.	Truck	Liability
8923310	PAUL LEVAN	Truck	Liability/Cargo
8923523	VALLEY RENTAL & SALES, INC.	Truck	Cargo only
8923600	MCKEAN TRUCKING, LLC	Truck	Cargo only
8923717	RAK TRUCKING, LLC	Truck	Liability/Cargo
8923723	FORWARD TRANSPORT CONNECTION, LLC	Truck	Liability/Cargo
8923745	S X S LOGISTICS, LLC	Truck	Liability/Cargo
8923765	RAPID ASSET RECOVERY, LLC	Truck	Liability
8923828	PELTZER TRANSPORT, LLC	Truck	Liability/Cargo
8923939	EG EXPRESS, LLC	Truck	Liability/Cargo
8924065	J & J AUTO BODY AND TRUCK REPAIR, INC.	Truck	Liability/Cargo
8924102	AMERICA I-95, INC.	Truck	Liability
8924169	CHRISTOPHER R. MAUST	Truck	Liability/Cargo
8924178	C. FOX TRUCKING, LLC	Truck	Liability/Cargo
8924243	LNR 5 STAR TRUCKING ENTERPRISE, LLC	Truck	Liability/Cargo
8924248	MOVERS TO GO, INC.	Household Goods Carrier	Cargo only
8924346	HASHAMY TRANSPORT, LLC	Truck	Liability/Cargo
8924369	MEETINGHOUSE MOVERS, LLC	Household Goods Carrier	Cargo only
8924515	J. COPE TRUCKING, LLC	Truck	Liability/Cargo
8924659	SHADDAI EXPRESS, LLC	Truck	Liability/Cargo
8924687	ROUX TRANSPORT, LLC	Truck	Liability/Cargo
8924797	CROSS ARROWS TRUCKING, LLC	Truck	Cargo only
8924844	C&J TRANSPORTATION, LLC	Truck	Cargo only
8924864	RODETIME HAULERS, LLC	Truck	Liability/Cargo
8924931	BOAS TRANSPORT, LLC	Truck	Liability/Cargo
8924996	SOLDATI TRANSPORT & LOGISTICS, LLC	Truck	Liability/Cargo
8925028	NEW BEGINNING'S MOVING & HAULING, LLC	Household Goods Carrier	Liability
8925034	1680 LOGISTICS, LLC	Truck	Liability
8925038	DON SHERBINE	Truck	Liability/Cargo
8925097	T & D MILLER EXPRESS, LLC	Truck	Liability/Cargo
8925108	BSS TRUCKING, LLC	Truck	Liability/Cargo
8925118	TGR WAREHOUSING, LLC	Truck	Liability
8925160	AS HAULING AND TRUCKING, LLC	Truck	Liability/Cargo
8925171	R. L. TOMS TRANSPORT, LLC	Truck	Liability/Cargo
8925186	EDTGS LOGISTICS, LLC	Truck	Liability/Cargo
8925204	EBENEZER FREIGHT, INC.	Truck	Cargo only

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8925221	GMT LOGISTICS, LLC	Truck	Liability/Cargo
8925333	RWM HOLDINGS, INC.	Truck	Liability/Cargo
8925382	AGOSTO TRANSPORTATION, LLC	Truck	Liability/Cargo
8925408	HASSLER TRANSPORT, LLC	Truck	Liability/Cargo
8925413	PREMIER MOVERS, LLC	Truck	Cargo only
8925469	MONO-PTAT CARRIERS, LLC	Truck	Liability/Cargo
8925554	REZK TRUCKING, LLC	Truck	Liability/Cargo
8925563	MLB TRUCKING, LLC	Truck	Liability/Cargo
8925590	FM & SON TRANSPORT, LLC	Truck	Liability/Cargo
8925674	BIG MAN 1 TRANSPORT, LLC	Truck	Liability/Cargo
8925686	CROGHAN TRUCKING, LLC	Truck	Liability/Cargo
8925732	TWISTED TRUCKING, LLC	Truck	Liability/Cargo
8925760	HTP FREIGHT, LLC	Truck	Liability
8925858	JASON S. DERR	Truck	Cargo only
8925865	FRAZIER & WALTON TRANSPORTATION, LLC	Truck	Liability/Cargo
8925921	SNOW DOG TRANSPORTS, LLC	Truck	Liability/Cargo
8925926	MJOLNIR TRUCKING, LLC	Truck	Cargo only

[Pa.B. Doc. No. 23-743. Filed for public inspection June 2, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellation of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
May 18, 2023

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellation of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2023-3037455*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of May 9, 2023, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2019-3010177	MERETZ ENERGY GROUP, LLC	4/16/2023	Yes
A-2011-2223534*	PLANET ENERGY (PENNSYLVANIA) CORPORATION	3/16/2023	Yes
A-2010-2187969	TEXZON UTILITIES, LTD	4/12/2023	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2023-3037455 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary

Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 18, 2023

ORDER ENTERED: May 18, 2023

[Pa.B. Doc. No. 23-744. Filed for public inspection June 2, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge

Public Meeting held
May 18, 2023

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; M-2023-3037441; M-00900239

Order

By the Commission:

In accordance with our May 29, 1990, Order at Docket No. M-00900239 establishing the Pennsylvania Telecom-

munications Relay Service (TRS or Relay)¹ and surcharge funding mechanism (TRS surcharge) and subsequent Commission orders and legislation,² we have completed the annual recalculation of the TRS surcharge rate established for the period beginning on July 1, 2023, and ending June 30, 2024. The Commission proposes to continue with the current TRS surcharge rate of \$0.00 per month for residential and business access lines³ for the upcoming fiscal year period beginning July 1, 2023.

Background

The annual TRS surcharge recalculation is dependent on data from several sources. Local Exchange Carriers (LECs⁴) are required to submit annual wireline access line counts to the Commission pursuant to 52 Pa. Code § 63.37. The traditional relay provider, Hamilton Relay, Inc.,⁵ submitted the estimated minutes of use and charges for the fiscal year July 1, 2023, through June 30, 2024. Hamilton Telephone Company d/b/a Hamilton Telecommunications submitted the estimated minutes-of-use report for the Captioned Telephone Relay Service⁶ (CTRS). Pursuant to Sections 6701.3(b)(3) and 6701.4(c) of the UTPMAA, 35 P.S. § 6701.3(b)(3) and 6701.4(c), the Office of Vocational Rehabilitation (OVR), Department of Labor and Industry is required to submit annual budgets with the Commission for the TDDP and the PMASP for the applicable fiscal year.⁷

Forecasted Operations Costs for 2023-2024

The Commission shall continue its active oversight of the operations of the Pennsylvania Telecommunications Relay Service. In doing so, the Commission believes it is necessary to continue to collaborate with OVR and its TDDP administrator⁸ to ensure adequate funding for distribution of TDDP equipment to qualified Pennsylvanians. As stated above, OVR is required to file annual budgets for the TDDP and the PMASP.⁹ We acknowledge that OVR is statutorily obligated to ensure that there is adequate funding for the TDDP and the PMASP in Pennsylvania and we are willing to assist OVR to fulfill this mission, which requires that the Commission properly and timely receives the appropriate and required documentation.¹⁰ However, since OVR has not officially submitted the TDDP and PMASP budgets with the Commission, we used the actual costs for the TDDP and PMASP¹¹ to calculate the TRS surcharge rate for the upcoming fiscal year.

¹ Additional information on TRS may be found at http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service.aspx.

² See Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telecommunication Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP) which may be funded in part or in whole by the TRS surcharge. PMASP is a reading service for persons with certain vision-related physical disabilities. The law is now called the “Universal Telecommunications and Print Media Access Act” or “UTPMAAA.”

³ See 2022 Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge Order at Docket No. M-2022-3030272.

⁴ LECs include both incumbent and competitive local exchange carriers.

⁵ Hamilton Relay, Inc. (Hamilton) holds the TRS Certificate of Public Convenience to provide TRS throughout the Commonwealth of Pennsylvania. The Commission approved Hamilton's Application by order entered December 4, 2014, at Docket No. A-2014-2447601.

⁶ Hamilton Telecommunications, an affiliate of Hamilton Relay, provides CTRS services.

⁷ To date, the OVR, Department of Labor and Industry, has not officially filed a 2023-2024 TDDP budget nor a 2023-2024 PMASP budget with the Commission pursuant to our filing regulations. See 52 Pa. Code §§ 1.31 and 1.32.

⁸ As of January 1, 2007, the TDDP is administered by Pennsylvania's Initiative on Assistive Technology, Institute on Disabilities, Temple University pursuant to a contractual agreement with OVR.

⁹ 35 P.S. §§ 6701.3 and 6701.4.

¹⁰ Commission staff emailed OVR on 4/28/2023 requesting the budgets for TDDP and PMASP.

¹¹ The Commission obtained the actual costs of these programs for the period 4/1/22 to 3/31/2023, by reviewing the monthly disbursements from the bank account statements of the Fund Administrator, U.S. Bank Institutional Trust & Custody that was sent to PIAT and OVR, respectively.

Calculation of TRS surcharge for 2023-2024 Fiscal Year

As explained above, the monthly surcharge recalculation is based principally on the anticipated costs of three individual programs, Relay (TTY style, Speech-to-Speech, Spanish Relay, and Captioned Telephone Relay Service (CTRS)), TDDP and the PMASP, and an accounting of access lines in service. The combined residential and business wireline access lines reported by LECs for 2022 and adjusted for Centrex lines are estimated to be 3,190,866. Accordingly, based upon the number of access lines, the anticipated Pennsylvania TRS Advisory Board¹² expenses, the TRS Fund administration costs, the projected TRS program costs from Hamilton (Relay, CTRS), the lack of a projected TDDP and PMASP budgets from OVR and the financial status of the TRS Fund, the 2023-2024 TRS surcharge rate for residential and business access lines will remain set at the current rate of \$0.00 per month per access line.

Since the set rate will not change, LECs are not required to file tariff supplements. Additionally, LECs will not have to file any monthly remittance forms with US Bank since the TRS surcharge rate will continue at zero for the period beginning July 1, 2023, to June 30, 2024.¹³ In the event of the TRS surcharge changing the Commission will issue an updated remittance form.

Audits

On March 3, 2023, the Bureau of Audits released the report of its audit of the Telecommunications Relay Service at Docket No. D-2022-3030518 that covered the twelve-month periods ended February 29, 2020; and February 28, 2021. The Bureau of Audits plans to begin an audit of the Telecommunication Device Distribution Program and Print Media Access System Program for the twelve-month periods ended June 30, 2020; June 30, 2021; and June 30, 2022, in 2023.

Service of Order

In the past, our practice has been to serve the annual TRS surcharge recalculation order on every LEC in the Commonwealth in addition to each Relay service provider, the Office of Vocational Rehabilitation, the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Telephone Association, and the Fund Administrator. Consistent with the TRS surcharge recalculation order entered May 23, 2013, at Docket No. M-2013-2341301, we now serve paper copies of the annual TRS surcharge recalculation order only when there is a change in the TRS surcharge rate or other provision in the order requiring that the LECs file a tariff supplement or take other action. As this order does not change the TRS surcharge rate, paper copies of the order will not be served. We will continue to publish the order in the *Pennsylvania Bulletin* and on the Commission's website.

Conclusion

The Commission has completed the annual recalculation of the TRS surcharge rate. The TRS surcharge rate for residential and business access lines will remain set at \$0.00 per month for the time period beginning July 1, 2023, through June 30, 2024; *Therefore*,

¹² The Pennsylvania TRS Advisory Board was established pursuant to Commission Order entered May 29, 1990. The TRS Advisory Board's By-Laws and quarterly meeting schedule can be found at: http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service/trs_advisory_board.aspx.

¹³ U.S. Bank National Wholesale Lockbox, Pennsylvania TRS Fund, PO Box 645899, Cincinnati, OH 45264-5899. Remittances are payable to the “Pennsylvania TRS Fund” and designated for PA Relay. US Bank National Wholesale Lockbox regular mail, overnight mail, and wire instructions can be found on the remittance form attached to this Order.

It Is Ordered That:

1. For the period of July 1, 2023, through June 30, 2024, the TRS surcharge rate for residential and business access lines shall be set at \$0.00 per month, unless the Commission takes further action to revise the TRS surcharge rate prior to June 30, 2024.

2. A copy of this Order be published in the *Pennsylvania Bulletin*.

3. A copy of this Order be posted to the Commission's website.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 18, 2023

ORDER ENTERED: May 18, 2023

[Pa.B. Doc. No. 23-745. Filed for public inspection June 2, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before June 20, 2023. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by June 20, 2023. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the listed docket number as follows or by searching the applicant's web site.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2023-3040427. DCJ Family Services, LLC (180 Airstrip Road, East Stroudsburg, Monroe County, PA 18301) persons in paratransit service, from points in Monroe County, to points in the Counties of Carbon, Lackawanna, Luzerne, Northampton, Pike and Wayne, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2023-3040450. Riverfront Moving & Storage, LLC (201 Mill Street, Unit 1, Bristol, PA 19007) for the right to begin to transport, as a common carrier, household goods in use, between points in Pennsylvania.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2023-3040689. Richland Emergency Medical Service, Inc., t/a Richland EMS (P.O. Box 925, 4009 Dickey Road, Gibsonia, Allegheny County, PA 15044) for the discontinuance and cancellation of the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to transportation to and from medical facilities, between points in the Counties of Allegheny and Butler, as originally Docketed at A-2014-2413252.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-746. Filed for public inspection June 2, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2023-3040806. Pennsylvania-American Water Company. In the matter of the application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish and supply water service to the public in an additional portion of Jackson Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before June 19, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055

Through and By Counsel for: Erin K. Fure, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive,

Mechanicsburg, PA 17055, (717) 550-1556, Erin.fure@amwater.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-747. Filed for public inspection June 2, 2023, 9:00 a.m.]

Rudzinski, at (215) 683-9498 or at TLDclerk@philapark.org.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-748. Filed for public inspection June 2, 2023, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Default Order

Philadelphia Parking Authority, Taxicab and Limousine Division v. Akosombo Cab Co.; Doc. No. C-22-05-042

Attention Akosombo Cab Co., last known address of 811 Pleasant Road, Yeadon, PA 19050, this notice advises that a Default Order of Hearing Officer, Hon. Sheldon C. Jelin was issued and entered on May 23, 2023, with the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division's (TLD) Office of the Clerk.

On May 27, 2022, the Enforcement Department of the TLD of the Authority issued Citation T-30677 to Akosombo Cab Co. (Respondent) for violation of 52 Pa. Code § 1011.13, annual filing requirements not met.

The complaint was served on Respondent on May 27, 2022, by first class mail.

Respondent did not pay the penalty amount identified on the citation or file a request for a hearing with the TLD Clerk within 15 days after the date of service as provided in 52 Pa. Code 1005.13(b).

On June 16, 2022, the TLD Clerks' office sent Respondent a reminder notice of the outstanding citation and to either pay the penalty or request a hearing, or suffer a default.

To date, more than 15 days have expired and Respondent has failed to pay the penalty or file a request for a hearing with the TLD Clerk. Therefore, pursuant to 52 Pa. Code 1005.31(c) the complaint is sustained and a Default Order is entered against Respondent.

A penalty of \$100 is imposed along with an administration fee of \$75 for a total of \$175.

In addition, Respondent's CPC No. 1000094-01 is hereby CANCELLED with respect to medallions P-0373 and P-1356.

Respondent is Ordered to pay \$175 by June 7, 2023.

Pursuant to 52 Pa. Code, § 1001.13(b) this Order will become effective on June 7, 2023, as an adjudication of the Authority if not selected for review by the Authority.

Respondent is hereby notified to cease and desist from further violations of the Taxicab and Limousine regulation, 52 Pa. Code, § 1001.1 et seq.

Hon. Sheldon C. Jelin (Ret.)
Hearing Officer

If individuals have any questions concerning this notice, contact the TLD's Office of the Clerk, Sherry

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101.

July 12, 2023	Account of John H. Damico, Jr. (Purchase of Military Service)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4888 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Executive Director

[Pa.B. Doc. No. 23-749. Filed for public inspection June 2, 2023, 9:00 a.m.]

STATE POLICE

Telephonic Verification System

The State Police, under the authority of 42 Pa.C.S. § 9799.25(a.2) (relating to verification by sexual offenders and Pennsylvania State Police), have developed a telephonic verification system for use by eligible individuals. The telephonic verification system was operational on Tuesday, May 23, 2023. Eligible individuals will only use toll free number (855) 791-1990 for telephonic verification. Telephonic verification may only be used to verify information on file with the State Police, it may not be used to change information on file with the State Police or to add information.

COLONEL CHRISTOPHER PARIS,
Commissioner

[Pa.B. Doc. No. 23-750. Filed for public inspection June 2, 2023, 9:00 a.m.]

