

# PENNSYLVANIA BULLETIN

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for the Subject Index for  
January—June 2023

## Part I

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

**No. 584, July 2023**

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

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

## *Citation to the Pennsylvania Bulletin*

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

## *Pennsylvania Code*

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

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

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

### **How to Find Rules and Regulations**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacodeandbulletin.gov](http://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](http://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.

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*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*

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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 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1910 ]

#### Proposed Amendment of Pa.R.Civ.P. 1910.29

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 1910.29 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Lynnore K. Seaton, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by August 30, 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 Domestic Relations  
Procedural Rules Committee*

DAVID S. POLLOCK, Esq.,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.29. Evidence in Support Matters.

[(a) *Record Hearing.* Except as provided in this rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

#### (b) *Medical Evidence.*

(1) *Non-Record Proceeding.* In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.

(2) *Record Proceeding.* If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.

(3) The Physician Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS  
OF \_\_\_\_\_ COUNTY

Member Name:

Docket Number:

PACSES Case Number:

Other State ID Number:

#### PHYSICIAN VERIFICATION FORM TO BE COMPLETED BY THE TREATING PHYSICIAN

Physician's name: \_\_\_\_\_

Physician's license number: \_\_\_\_\_

Nature of patient's sickness or injury: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date of first treatment: \_\_\_\_\_

Date of most recent treatment: \_\_\_\_\_

Frequency of treatments: \_\_\_\_\_

Medication: \_\_\_\_\_

The patient has had a medical condition that affects his or her ability to earn income from: \_\_\_\_\_ through \_\_\_\_\_

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations? \_\_\_\_\_  
 \_\_\_\_\_

Remarks: \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Treating Physician: \_\_\_\_\_

Physician's address: \_\_\_\_\_  
 \_\_\_\_\_

Physician's telephone number: \_\_\_\_\_

I authorize my physician to release the above information to the \_\_\_\_\_ County Domestic Relations Section.

Patient's signature: \_\_\_\_\_ Date: \_\_\_\_\_ ]

(This is entirely new text.)

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

(a) *Record Hearing.* Except as provided in this rule, the court shall follow the Pennsylvania Rules of Evidence in a record hearing conducted in an action.

(b) *Documentary Evidence.*

(1) The court shall admit into evidence statements contained in a verified petition, affidavit, document, or a document incorporated by reference that would not be excluded under the hearsay rule if the declarant testified in person, when:

(i) at least 20 days written notice of the intention to offer the document into evidence was given to the adverse party accompanied by the document to be offered;

(ii) the other party does not object to the document's admission into evidence; and

(iii) the party offers the evidence under oath.

(2) A party objecting under subdivision (b)(1)(ii) shall state the objection in writing and serve on the document's proponent within 10 days of the date of service of the notice of intention to offer the evidence.

(3) When a party properly objects, the Pennsylvania Rules of Evidence shall apply to determine the document's admissibility.

(c) *Medical Evidence.*

(1) *Definition.* For the purpose of this rule, an "advance practice provider" shall mean a licensed physician, physician's assistant, or nurse practitioner.

(2) *Non-Record Proceeding.*

(i) A conference officer may consider a party's medical condition when:

(A) an advanced practice provider has determined the medical condition affects a party's ability to earn income;

(B) the party's advanced practice provider has completed an Advanced Practice Provider's Verification Form, which shall substantially be the same as subdivision (d); and

(C) the party submits the completed form at the conference.

(ii) If a party is receiving Social Security disability or Workers' Compensation benefits, the party shall submit the disability or Workers' Compensation determination in lieu of the Advanced Practice Provider's Verification Form.

(3) *Record Proceeding.*

(i) Prior to the record hearing, if a party plans to introduce a completed Advanced Practice Provider's Verification Form into evidence, the party shall serve the completed form on the other party not later than 20 days after the conference.

(ii) The other party may file and serve a written objection to the completed form's introduction within 10 days of the date of service.

(A) If an objection is made and the advanced practice provider testifies, the trier-of-fact shall have the discretion to allocate the cost of the advanced practice provider’s testimony between the parties.

(B) If there is no objection, the trier-of-fact may admit the completed form into evidence without the advanced practice provider’s testimony.

(iii) If the record hearing is held sooner than 30 days after the conference, the trier-of-fact may provide appropriate relief, including granting a continuance to the objecting party.

(d) *Advanced Practice Provider’s Verification Form.* The Advanced Practice Provider’s Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY

Member Name:  
Docket Number:  
PACSES Case Number:  
Other State ID Number:

TO BE COMPLETED BY AN ADVANCED PRACTICE PROVIDER

Provider’s name: \_\_\_\_\_

Provider’s license number: \_\_\_\_\_

Nature of patient’s sickness or injury: \_\_\_\_\_

Date of first treatment: \_\_\_\_\_

Date of most recent treatment: \_\_\_\_\_

Frequency of treatments: \_\_\_\_\_

Medication: \_\_\_\_\_

The patient has had a medical condition that affects his or her ability to earn income from: \_\_\_\_\_ through \_\_\_\_\_

- Fully Disabled
- Partially Disabled
- Able to Work Light Duty Full-Time
- Able to Work Part-Time ( \_\_\_\_\_ hours/day)

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations? \_\_\_\_\_

Describe limitations on employability: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Treating Provider: \_\_\_\_\_

Provider’s address: \_\_\_\_\_

Provider’s telephone number: \_\_\_\_\_

I authorize my provider to release the above information to the \_\_\_\_\_ County Domestic Relations Section.

Patient’s signature: \_\_\_\_\_ Date: \_\_\_\_\_

[ EXPLANATORY COMMENT—2000 ]

**Comment: This rule is based on 23 Pa.C.S. § 4342(f). [ creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents.**

**If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document’s ultimate admissibility.**

**Rule 1910.29 ] This rule is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to the admissibility of payment records, billing statements, and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes [ which are expressly ] set forth in those statutory provisions.**

**SUPREME COURT OF PENNSYLVANIA**  
**DOMESTIC RELATIONS PROCEDURAL RULES**  
**COMMITTEE**

**PUBLICATION REPORT**

The Domestic Relations Procedural Rules Committee (Committee) is proposing the amendment of the Pennsylvania Rule of Civil Procedure 1910.29. This rule pertains to evidence in support matters and provides a Physician Verification Form for use in providing information to the court on a party's medical condition.

23 Pa.C.S. § 4342 provides for expedited procedures for the determination and enforcement of support. 23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit statements contained in a verified petition, affidavit, document, or a document incorporated by reference in any of them, to be admitted into evidence, provided it would not otherwise be excluded as hearsay if the declarant testified in person, i.e., hearsay within hearsay. Rule 1910.29 expands this exception to permit a Physician's Verification Form to be used for reporting a party's medical condition in lieu of the physician appearing as a witness and testifying. The rule requires that notice of the documents to be admitted be given to the other party prior to the hearing and it sets forth the procedures for raising an objection to the admission of those documents and any statements contained therein.

Initially, the Committee received correspondence requesting revisions to the Physician Verification Form. Concerns related to the current form include its failure to request a description of the limitations on employability and whether the condition affects a party's ability to work light duty, full-time, or part-time. Parties use the form in cases where an appropriate order is being established, as well as to defend against a contempt charge. Without the ability to assess the extent of the disability, the form may act as a shield to one party to be held to a reasonable earning capacity or found to have the ability to pay support.

To address these concerns, the Committee proposes that the form be revised to include the option to select "Fully Disabled," "Partially Disabled," "Able to Work Light Duty Full-Time," or "Able to Work Part-time," as well as the ability to indicate the number of hours per day the individual can work.

Concerns were also expressed about the requirement that the form be completed only by a physician. This concern is related to cost and limited access to physicians in some areas, particularly in rural areas. Accordingly, the Committee proposes that, in lieu of only allowing physicians to complete the form, "advanced practice providers," including nurse practitioners and physician assistants, should be permitted to complete the form. As a result, it is proposed that the term "physician" be replaced by the name "provider" and the name of the form be revised to "Advanced Practice Provider Verification Form." It is also proposed that "advanced practice provider" be defined in subdivision (c)(1).

Additional revisions were requested to make the form more "user-friendly" for practitioners and self-represented parties. The Committee proposes that the structure of the rule be revised stylistically to a bullet point format, for ease of reading. It is also proposed that the Explanatory Comment be renamed as a Comment and commentary reiterative of the rule text and statute be removed.

The Committee invites comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 23-841. Filed for public inspection June 30, 2023, 9:00 a.m.]

**Title 234—RULES OF**  
**CRIMINAL PROCEDURE**

[ 234 PA. CODE CHS. 3, 4 AND 7 ]

**Order Adopting Rules 490.2 and 790.2 and Amending Rules 320, 490, 790, and 791 of the Pennsylvania Rules of Criminal Procedure, No. 547 Criminal Procedural Rules Docket**

**Order**

*Per Curiam*

*And Now*, this 14th day of June, 2023, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 5587 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 490.2 and 790.2 of the Pennsylvania Rules of Criminal Procedure are adopted in the attached form and Rules 320, 490, 790, and 791 of the Pennsylvania Rules of Criminal 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 April 1, 2024.

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

Deletions from the rule are shown in bold and brackets.

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE**

**CHAPTER 3. ACCELERATED REHABILITATIVE DISPOSITION (ARD)**

**PART B. Court Cases**

Rule 320. **Procedure for** Expungement Upon Successful Completion of ARD Program.

\* \* \* \* \*

**CHAPTER 4. PROCEDURES IN SUMMARY CASES**

**PART H. Summary Case Expungement Procedures**

*(Editor's Note: Rule 490 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")*

**Rule 490. Procedure for Obtaining Expungement in Summary Cases; Expungement Order.**

**[ A ]a [ PETITION FOR EXPUNGEMENT ] *Petition for Expungement.***

(1) Except as provided in Rule 320 (**Procedure for Expungement Upon Successful Completion of ARD Program**) and Rule 490.2 (**Procedure for Expungement of Acquittals in Summary Cases; Expungement Order**), an individual who satisfies the requirements of 18 Pa.C.S. § 9122 and 18 Pa.C.S. § 9123(a) for expungement of a summary case may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

( [ a ] i ) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

( [ b ] ii ) the name and address of the issuing authority who accepted the guilty plea or heard the case;

( [ c ] iii ) the name and mailing address of the affiant as shown on the complaint or citation, if available;

( [ d ] iv ) the magisterial district court number;

( [ e ] v ) the docket number;

( [ f ] vi ) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

( [ g ] vii ) the specific charges, as they appear on the charging document, to be expunged;

( [ h ] viii ) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

( [ i ] ix ) the reason(s) for expungement; and

( [ j ] x ) a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

Additional information shall not be required by local rule or practice.

(3) Unless the attorney for the Commonwealth agrees to waive this requirement, a current copy of the petitioner's Pennsylvania State Police criminal history report shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition. Absent a waiver by the attorney for the Commonwealth, the judge shall not rule upon the petition until the Pennsylvania State Police criminal history report is filed.

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

**( [ B ] b ) [ OBJECTIONS; HEARING ] Objections; Hearing.**

(1) Within 30 days after service of the petition, the attorney for the Commonwealth shall file a consent or objection to the petition or take no action. The attorney for the Commonwealth's consent or objection shall be filed with the clerk of courts, and copies shall be served on the petitioner's attorney, or the petitioner if unrepresented.

(2) Upon receipt of the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 30-day period in [ paragraph ] subdivision [ (B)(1) ] (b)(1), the judge shall grant or deny the petition or shall schedule a hearing.

(3) At the hearing, if any, the parties shall be afforded an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the petition.

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

( [ a ] i ) The order shall contain the information required in [ paragraph ] subdivision [ (C) ] (c).

( [ b ] ii ) Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to [ paragraph ] subdivision [ (B)(1) ] (b)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the petition for expungement, the judge shall enter an order denying the petition and stating the reasons for the denial.

**( [ C ] c ) [ ORDER ] Order.**

(1) Every order for expungement shall include:

( [ a ] i ) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

( [ b ] ii ) the name and address of the issuing authority who accepted the guilty plea or heard the case;

( [ c ] iii ) the name and mailing address of the affiant as shown on the complaint or citation, if available;

( [ d ] iv ) the magisterial district court number;

( [ e ] v ) the docket number;

( [ f ] vi ) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

( [ g ] vii ) the specific charges, as they appear on the charging document, to be expunged;

( [ h ] viii ) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

( [ i ] ix ) the reason(s) for expungement; and

( [ j ] x ) the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The clerk of courts shall serve a certified copy of the [ O ] order to each criminal justice agency identified in the court's [ O ] order **and to all other entities required to be notified by statute.**

**Comment:**

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in summary cases. Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under Rule 790.

This rule was amended in 2019 to clarify that the procedures under this rule are to be used for summary convictions for offenses committed when the defendant is under 18 years of age. This would include any summary

conviction that also has been certified to juvenile court pursuant to Pa.R.J.C.P. 200(3) and 42 Pa.C.S. § 6304.1. In such cases, two expungement petitions would need to be filed: one would be filed pursuant to Pa.R.J.C.P. 170 to expunge the record of the juvenile proceeding and the second would be filed pursuant to Pa.R.Crim.P. 490 to expunge the underlying summary conviction.

*See also* Rule 320 [ **for the procedures for expungement following the successful completion of an ARD program in a summary case and** ] (**Procedure for Expungement Upon Successful Completion of ARD Program**); Rule 790 [ **for court case expungement procedures.** ] (**Procedure for Obtaining Expungement in Court Cases; Expungement Order**); Rule 791 (**Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access**); 35 P.S. § 780-119 **for expungement procedures under the Controlled Substance, Drug, Device, and Cosmetic Act; and for expungement procedures in cases satisfying the requirements of 18 Pa.C.S. § 9122(a)(4) regarding complete acquittals, see Rule 490.2 (Procedure for Expungement of Acquittals in Summary Cases; Expungement Order) and Rule 790.2 (Procedure for Expungement of Acquittals in Court Cases; Expungement Order).**

This rule sets forth the only information that is to be included in every expungement petition and order.

[ **Paragraph** ] **Subdivision [ (A)(3) ] (a)(3)** requires the petitioner to attach a copy of his or her criminal history report to the petition. The attorney for the Commonwealth may waive the requirement that the criminal history report be attached to the petition. The Commonwealth's agreement to the waiver may be made orally or in writing, or averred in the petition.

A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

"Petition," as used in this rule, is a "motion" for purposes of Rules 575, 576, and 577.

The "reason for expungement" in [ **paragraph** ] **subdivisions [ (A)(2)(i) ] (a)(2)(ix)** and [ **(C)(1)(i) ] (c)(1)(ix)** means, for example, acquittal, arrest or prosecution free for five years following the conviction for that summary offense, or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. *See also* 18 Pa.C.S. § 9102.

**Subdivision (c)(2) requires the clerk of courts to serve each criminal justice agency identified in the court's order as well as all other entities required to be notified by statute. See, e.g., 18 Pa.C.S. § 9122(a)(3) (requiring the court to order the expungement of all administrative records of the Department of Transportation relating to a conviction pursuant to 18 Pa.C.S. § 6308 when that conviction is ordered to be expunged).**

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, 759 A.2d 1269 (Pa. 2000).

[ **Note: Adopted September 22, 2010 effective in 90 days; amended November 1, 2016, effective November 14, 2016 amended March 1, 2019, effective July 1, 2019.** ]

**Committee Explanatory Reports:**

**Final Report explaining the September 22, 2010 promulgation of new Rule 490 providing the procedures for expungements in summary cases published with the Court's Order at 40 Pa.B. 5737 (October 9, 2010).**

**Final Report explaining the November 9, 2016 amendment regarding the stay of expungement when the Commonwealth has consented and petition and order forms published for comment at 46 Pa.B. 7439 (November 26, 2016).**

**Final Report explaining the March 1, 2019 amendment regarding expungement of summary offenses when the defendant is under 18 years of age published with the Court's Order at 49 Pa.B. 1121 (March 16, 2019). ]**

The following text is entirely new.

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

**Rule 490.2. Procedure for Expungement of Acquittals in Summary Cases; Expungement Order.**

(a) *Notice of Acquittal.*

(1) In any summary case in which the defendant has been acquitted of all charges as provided in 18 Pa.C.S. § 9122(a)(4), the issuing authority shall promptly, but no later than 20 days after acquittal, notify either the clerk of courts of the judicial district in which the charges were disposed or, if the charges were disposed of in the Philadelphia Municipal Court, the clerk of Municipal Court.

(2) Within 10 days of receipt of the notification from the issuing authority, the clerk of courts or the clerk of Municipal Court, whichever applies, shall notify the defendant, defense counsel, if any, and the attorney for the Commonwealth that the case shall be ordered expunged, unless an objection is filed by the attorney for the Commonwealth.

(3) Thereafter, the case shall proceed as provided in subdivisions (b) and (c) of this rule.

(4) The notice issued by the clerk of courts or by the clerk of Municipal Court under subdivision (a)(2) shall set forth:

(i) the defendant's name and any aliases that the defendant has used, address, date of birth, and social security number;

(ii) the name and address of the issuing authority who heard the case;

(iii) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(iv) the magisterial district court number, if applicable;

(v) the docket number;

(vi) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(vii) the specific charges, as they appear on the charging document, to be expunged; and

(viii) a statement that all the charges resulted in a not guilty finding.

Additional information shall not be required by local rule or practice.

(b) *Objections; Hearing.*

(1) Within 60 days after service of the notice, the attorney for the Commonwealth shall file a consent or objection to the expungement or take no action. The attorney for the Commonwealth's consent or objection shall be filed in the court of common pleas or the Philadelphia Municipal Court, whichever applies, and copies shall be served on the defendant and defense counsel, if any.

(2) Upon receipt of the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 60-day period in subdivision (b)(1), the court of common pleas or the Philadelphia Municipal Court, whichever applies, shall grant the expungement or, when an objection is filed, shall schedule a hearing unless waived by the parties and the court.

(3) At the hearing, if any, the defendant and the attorney for the Commonwealth shall be afforded an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the expungement.

(4) If the judge grants the expungement, the judge shall enter an order directing expungement.

(i) The order shall contain the information required in subdivision (c).

(ii) Except when the attorney for the Commonwealth has filed a consent pursuant to subdivision (b)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the expungement, the judge shall enter an order denying the expungement and stating the reasons for the denial.

(6) The judge shall issue the order granting or denying the expungement in writing, with copies to the defendant, defense counsel, if any, and the attorney for the Commonwealth, and shall make the order a part of the docket.

(c) *Order.*

(1) Every order for expungement shall include:

(i) the defendant's name and any aliases that the defendant has used, address, date of birth, and social security number;

(ii) the name and address of the issuing authority who heard the case;

(iii) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(iv) the magisterial district court number, if applicable;

(v) the docket number;

(vi) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(vii) the specific charges, as they appear on the charging document, to be expunged;

(viii) a statement that all the charges resulted in a not guilty finding; and

(ix) the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The clerk of courts shall serve a certified copy of the order to each criminal justice agency identified in the court's order and to all other entities required to be notified by statute.

Comment:

This rule was adopted in 2023 to provide procedures for the expungement of summary cases that resulted in acquittals as provided in 18 Pa.C.S. § 9122(a)(4).

For the ability of the parties, with the consent of the court, to waive a hearing pursuant to subdivision (b)(2), see 18 Pa.C.S. § 9122(a)(4)(iii).

See also Rule 320 (Procedure for Expungement Upon Successful Completion of ARD Program); Rule 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order); Rule 790 (Procedure for Obtaining Expungement in Court Cases; Expungement Order); Rule 791 (Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access); 35 P.S. § 780-119 for expungement procedures under the Controlled Substance, Drug, Device, and Cosmetic Act; and for expungement procedures in court cases satisfying the requirements of 18 Pa.C.S. § 9122(a)(4) regarding complete acquittals, see Rule 790.2 (Procedure for Expungement of Acquittals in Court Cases; Expungement Order).

**CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES**

**PART C. Court Case Expungement Procedures**

*(Editor's Note: Rule 790 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")*

**Rule 790. Procedure for Obtaining Expungement in Court Cases; Expungement Order.**

**[ A ]a [ PETITION FOR EXPUNGEMENT ] *Petition for Expungement.***

(1) Except as provided in Rule 320 (**Procedure for Expungement Upon Successful Completion of ARD Program**), **Rule 790.2 (Procedure for Expungement of Acquittals in Court Cases; Expungement Order)**, and 35 P.S. § 780-119, an individual who satisfies the requirements for expungement may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

**[ a ]i** the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

**[ b ]ii** the name and address of the judge of the court of common pleas who accepted the guilty plea or heard the case;

**[ c ]iii** the name and mailing address of the affiant as shown on the complaint, if available;

**[ d ]iv** the Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;

**[ e ]v** the offense tracking number (OTN);

**[ f ]vi** the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

( [ g ]vii) the specific charges, as they appear on the charging document, to be expunged;

( [ h ]viii) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

( [ i ]ix) the reason(s) for expungement; and

( [ j ]x) a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

Additional information shall not be required by local rule or practice.

(3) Unless the attorney for the Commonwealth agrees to waive this requirement, a current copy of the petitioner's Pennsylvania State Police criminal history report shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition. Absent a waiver by the attorney for the Commonwealth, the judge shall not rule upon the petition until the Pennsylvania State Police criminal history report is filed.

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

**[ B ]b [ OBJECTIONS; HEARING ] *Objections; Hearing.***

(1) Within 60 days after service of the petition, the attorney for the Commonwealth shall file a consent or objection to the petition or take no action. The attorney for the Commonwealth's consent or objection shall be filed with the clerk of courts, and copies shall be served on the petitioner's attorney, or the petitioner if unrepresented.

(2) Upon receipt of the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 60-day period in [ paragraph ] **subdivision [ (B)(1) ] (b)(1)**, the judge shall grant or deny the petition or shall schedule a hearing.

(3) At the hearing, if any, the parties shall be afforded an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the petition.

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

( [ a ]i) The order shall contain the information required in [ paragraph ] **subdivision [ (C) ] (c)**.

( [ b ]ii) Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to [ paragraph ] **subdivision [ (B)(1) ] (b)(1)**, the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the petition for expungement, the judge shall enter an order denying the petition and stating the reasons for the denial.

**[ C ]c [ ORDER ] *Order.***

(1) Every order for expungement shall include:

( [ a ]i) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

( [ b ]ii) the name and address of the judge of the court of common pleas who accepted the guilty plea or heard the case;

( [ c ]iii) the name and mailing address of the affiant as shown on the complaint, if available;

( [ d ]iv) the Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;

( [ e ]v) the offense tracking number (OTN);

( [ f ]vi) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

( [ g ]vii) the specific charges, as they appear on the charging document, to be expunged;

( [ h ]viii) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

( [ i ]ix) the reason(s) for expungement; and

( [ j ]x) the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The clerk of courts shall serve a certified copy of the [ O ]rder to each criminal justice agency identified in the court's [ O ]rder **and to all other entities required to be notified by statute.**

**Comment:**

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in court cases. Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under this rule.

*See also* Rule 320 [ **for the procedures for expungement following the successful completion of an ARD program in a court case, ] (Procedure for Expungement Upon Successful Completion of ARD Program);** Rule 490 [ **for summary case expungement procedures, ] (Procedure for Obtaining Expungement in Summary Cases; Expungement Order);** **Rule 791 (Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access); [ and ]** 35 P.S. § 780-119 for expungement procedures under the Controlled Substance, Drug, Device, and Cosmetic Act; **and for expungement procedures in cases satisfying the requirements of 18 Pa.C.S. § 9122(a)(4) regarding complete acquittals, see Rule 490.2 (Procedure for Expungement of Acquittals in Summary Cases; Expungement Order) and Rule 790.2 (Procedure for Expungement of Acquittals in Court Cases; Expungement Order).**

This rule sets forth the only information that must be included in every expungement petition and order.

[ Paragraph ] **Subdivision [ (A)(3) ] (a)(3)** requires the petitioner to attach a copy of his or her criminal history report to the petition. The attorney for the Commonwealth may waive the requirement that the criminal history report be attached to the petition. The Commonwealth's agreement to the waiver may be made orally or in writing, or averred in the petition.

An order for expungement under the Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-119, also must include the information in [ paragraph ] **subdivision [ (C) ] (c)**.

A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

"Petition," as used in this rule, is a "motion" for purposes of Rules 575, 576, and 577.

The "reason for expungement" in [ paragraph ] **subdivisions [ (A)(2)(i) ] (a)(2)(ix)** and [ (C)(1)(i) ] **(c)(1)(ix)** means, for example, acquittal or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

When a summons instead of an arrest warrant is issued pursuant to Rule 519, the date of the summons constitutes the "date of arrest" for purposes of [ paragraph ] **subdivision [ (A)(2)(f) ] (a)(2)(vi)**.

**Subdivision (c)(2) requires the clerk of courts to serve each criminal justice agency identified in the court's order as well as all other entities required to be notified by statute. See, e.g., 18 Pa.C.S. § 9122(a)(3) (requiring the court to order the expungement of all administrative records of the Department of Transportation relating to a conviction pursuant to 18 Pa.C.S. § 6308 when that conviction is ordered to be expunged).**

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. See also 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, 759 A.2d 1269 (Pa. 2000).

[ **Note: Adopted September 22, 2010 effective in 90 days; amended November 1, 2016, effective November 14, 2016.**

**Committee Explanatory Reports:**

**Final Report explaining the September 22, 2010 promulgation of new Rule 790 providing the procedures for expungements in court cases published with the Court's Order at 40 Pa.B. 5737 (October 9, 2010).**

**Final Report explaining the November 9, 2016 amendment regarding the stay of expungement when the Commonwealth has consented and petition and order forms published with the Court's Order at 46 Pa.B. 7439 (November 26, 2016).** ]

The following text is entirely new.

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

**Rule 790.2. Procedure for Expungement of Acquittals in Court Cases; Expungement Order.**

(a) *Notice of Acquittal.*

(1) In any court case in which the defendant has been acquitted of all charges as provided in 18 Pa.C.S. § 9122(a)(4), within 10 days of the entry of the acquittal, the clerk of courts of the judicial district in which the charges were disposed or, if the charges were disposed of in the Philadelphia Municipal Court, the clerk of Municipal Court shall notify the defendant, defense counsel, if any, and the attorney for the Commonwealth that the case shall be ordered expunged, unless an objection is filed by the attorney for the Commonwealth.

(2) Thereafter, the case shall proceed as provided in subdivision (b) and (c) of this rule.

(3) The notice issued by the clerk of courts or by the clerk of Municipal Court under subdivision (a)(1) shall set forth:

(i) the defendant's name and any aliases that the defendant has used, address, date of birth, and social security number;

(ii) the name and address of the judge of the court of common pleas or of the Philadelphia Municipal Court, whichever applies, who heard the case;

(iii) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(iv) the Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;

(v) the offense tracking number (OTN);

(vi) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(vii) the specific charges, as they appear on the charging document, to be expunged; and

(viii) a statement that all the charges resulted in a not guilty finding.

Additional information shall not be required by local rule or practice.

(b) *Objections; Hearing.*

(1) Within 60 days after service of the notice, the attorney for the Commonwealth shall file a consent or objection to the expungement or take no action. The attorney for the Commonwealth's consent or objection shall be filed in the court of common pleas or the Philadelphia Municipal Court, whichever applies, and copies shall be served on the defendant and defense counsel, if any.

(2) Upon receipt of the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 60-day period in subdivision (b)(1), the court of common pleas or the Philadelphia Municipal Court, whichever applies, shall grant the expungement or, when an objection is filed, shall schedule a hearing unless waived by the parties and the court.

(3) At the hearing, if any, the defendant and the attorney for the Commonwealth shall be afforded an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the expungement.

(4) If the judge grants the expungement, the judge shall enter an order directing expungement.

(i) The order shall contain the information required in subdivision (c).

(ii) Except when the attorney for the Commonwealth has filed a consent pursuant to subdivision (b)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the expungement, the judge shall enter an order denying the expungement and stating the reasons for the denial.

(6) The judge shall issue the order granting or denying the expungement in writing, with copies to the defendant, defense counsel, if any, and the attorney for the Commonwealth, and shall make the order a part of the docket.

(c) *Order.*

(1) Every order for expungement shall include:

(i) the defendant's name and any aliases that the defendant has used, address, date of birth, and social security number;

(ii) the name and address of the judge of the court of common pleas or of the Philadelphia Municipal Court, whichever applies, who heard the case;

(iii) the name and mailing address of the affiant as shown on the complaint or citation, if available;

(iv) the Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;

(v) the offense tracking number (OTN);

(vi) the date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(vii) the specific charges, as they appear on the charging document, to be expunged;

(viii) a statement that all the charges resulted in a not guilty finding; and

(ix) the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The clerk of courts shall serve a certified copy of the order to each criminal justice agency identified in the court's order and to all other entities required to be notified by statute.

#### **Comment:**

This rule was adopted in 2023 to provide procedures for the expungement of court cases that resulted in acquittals as provided in 18 Pa.C.S. § 9122(a)(4).

For the ability of the parties, with the consent of the court, to waive a hearing pursuant to subdivision (b)(2), see 18 Pa.C.S. § 9122(a)(4)(iii).

See also Rule 320 (Procedure for Expungement Upon Successful Completion of ARD Program); Rule 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order); Rule 790 (Procedure for Obtaining Expungement in Court Cases; Expungement Order); Rule 791 (Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access); 35 P.S. § 780-119 for expungement procedures under the Controlled Substance, Drug, Device, and Cosmetic Act; and for expungement procedures in summary cases satisfying the requirements of 18 Pa.C.S. § 9122(a)(4) regarding complete

acquittals, see Rule 490.2 (Procedure for Expungement of Acquittals in Summary Cases; Expungement Order).

(*Editor's Note:* Rule 791 as printed in 234 Pa. Code reads "Official Note" rather than "Note.")

#### **Rule 791. Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access.**

##### **[ A ]a [ PETITION FOR ORDER FOR LIMITED ACCESS ] *Petition for Order for Limited Access.***

(1) Pursuant to 18 Pa.C.S. § 9122.1, an individual who satisfies the statutory requirements for obtaining an order for limited access may request an order that limits the dissemination of his or her criminal history record information by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

[ a ]i the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

[ b ]ii the name and address of the judge of the court of common pleas, magisterial district judge, or Philadelphia Municipal Court judge who accepted the guilty plea or heard the case;

[ c ]iii the name and mailing address of the affiant as shown on the complaint, if available;

[ d ]iv the court of common pleas docket number, magisterial district court docket number, or the Philadelphia Municipal Court docket number, whichever applies;

[ e ]v the offense tracking number (OTN);

[ f ]vi the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

[ g ]vii the specific charges, as they appear on the charging document, to be subject to limited access;

[ h ]viii the disposition, **whether the fee previously authorized to carry out the limited access and clean slate limited access provisions has been paid**, and, if the sentence includes [ a fine, costs, or ] restitution, whether the amount due **for restitution** has been paid;

[ i ]ix the reason(s) for the order for limited access;

[ j ]x a statement that the case qualifies for a limited access order and none of the exceptions under 18 Pa.C.S. § 9122.1(b) are applicable; and

[ k ]xi a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

Additional information shall not be required by local rule or practice.

(3) Unless the attorney for the Commonwealth agrees to waive this requirement, a current copy of the petitioner's Pennsylvania State Police criminal history report shall be attached to the petition. The copy shall be

obtained from the Pennsylvania State Police within 60 days before filing the petition. Absent a waiver by the attorney for the Commonwealth, the court shall not rule upon the petition until the Pennsylvania State Police criminal history report is filed.

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

**[ B ]b [ OBJECTIONS; HEARING ] Objections; Hearing.**

(1) Within 30 days after service of the petition, the attorney for the Commonwealth shall file a consent or objection to the petition or take no action. The attorney for the Commonwealth's consent or objection shall be filed with the clerk of courts, and copies shall be served on the petitioner's attorney, or the petitioner if unrepresented.

(2) Upon receipt of the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 30-day period in **[ paragraph ] subdivision [ (B)(1) ] (b)(1)**, the judge of the court of common pleas shall grant or deny the petition or shall schedule a hearing.

(3) At the hearing, if any, the parties shall be afforded an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the petition.

(4) If the judge grants the petition for limited access, the judge shall enter an order directing that the petitioner's criminal record history information that is subject to the limited access order shall not be disseminated to an individual, a noncriminal justice agency, or an internet website and that dissemination of the petitioner's criminal record history be limited only to a criminal justice agency or government agency as provided in 18 Pa.C.S. § 9122.1.

**[ a ]i** The order shall contain the information required in **[ paragraph ] subdivision [ (C) ] (c)**.

**[ b ]ii** Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to **[ paragraph ] subdivision [ (B)(1) ] (b)(1)**, the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the order for limited access is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the petition for an order of limited access, the judge shall enter an order denying the petition and stating the reasons for the denial.

(6) If the judge grants the petition for an order of limited access, the petition and order are subject to limited access.

**[ C ]c [ ORDER ] Order.**

(1) Every order for limited access shall include:

**[ a ]i** the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

**[ b ]ii** the name and address of the judge of the court of common pleas, magisterial district judge, or Philadelphia Municipal Court judge who accepted the guilty plea or heard the case;

**[ c ]iii** the name and mailing address of the affiant as shown on the complaint, if available;

**[ d ]iv** the court of common pleas docket number, magisterial district court docket number, or the Philadelphia Municipal Court docket number, whichever applies;

**[ e ]v** the offense tracking number (OTN);

**[ f ]vi** the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

**[ g ]vii** the specific charges, as they appear on the charging document, to be subject to limited access;

**[ h ]viii** the disposition, **whether the fee previously authorized to carry out the limited access and clean slate limited access provisions has been paid**, and, if the sentence includes **[ a fine, costs, or ] restitution**, whether the amount due **for restitution** has been paid;

**[ i ]ix** the reason(s) for the order for limited access;

**[ j ]x** a statement that the case qualifies for a limited access order and none of the exceptions under 18 Pa.C.S. § 9122.1(b) are applicable; and

**[ k ]xi** the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The clerk of courts shall serve a certified copy of the **[ O ]order to each criminal justice agency identified in the court's [ O ]order and to all other entities required to be notified by statute.**

**Comment:**

Section 9122.1 of the Criminal Code provides for an order limiting dissemination of a record of a criminal conviction for a misdemeanor of the second degree, a misdemeanor of the third degree, or an ungraded misdemeanor which carries a maximum penalty of no more than two years only to a criminal justice agency or government agency. This rule, adopted in 2016, provides the procedures for requesting and ordering an order for limited access as provided in the statute.

This rule sets forth the only information that must be included in every petition and order for limited access.

The petition must be filed with the clerk of courts of the judicial district in which the charges that are the subject of the petition were disposed. The petition must be decided by a judge of the court of common pleas, even if the charges that are the subject of the petition were disposed by a magisterial district judge or Philadelphia Municipal Court judge.

**[ Paragraph ] Subdivision [ (A)(3) ] (a)(3)** requires the petitioner to attach a copy of his or her criminal history report to the petition. The attorney for the Commonwealth may waive the requirement that the criminal history report be attached to the petition. The Commonwealth's agreement to the waiver may be made orally or in writing, or averred in the petition.

A form petition and form order for limited access has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

"Petition," as used in this rule, is a "motion" for purposes of Rules 575, 576, and 577.

The “reason for the order for limited access” in [ **paragraph** ] **subdivisions** [ (A)(2)(i) ] **(a)(2)(ix)** and [ (C)(1)(i) ] **(c)(1)(ix)** means, for example, the defendant’s freedom from arrest or prosecution for 10 years.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

When a summons instead of an arrest warrant is issued pursuant to Rule 519, the date of the summons constitutes the “date of arrest” for purposes of [ **paragraph** ] **subdivision** [ (A)(2)(f) ] **(a)(2)(vi)**.

For purposes of this rule, “criminal justice agency” includes police departments, county detectives, and other law enforcement agencies. *See also* 18 Pa.C.S. § 9102. For the definition of “government agency,” see 18 Pa.C.S. § 9121(b.1) and (b.2).

Nothing in this rule is intended to alter procedures regarding expungement. *See* Rule 320 [ **for the procedures for expungement following the successful completion of an ARD program in a court case, (Procedure for Expungement Upon Successful Completion of ARD Program);** Rule 490 [ **for summary case expungement procedures, (Procedure for Obtaining Expungement in Summary Cases; Expungement Order);** Rule 790 [ **for court case expungement, (Procedure for Obtaining Expungement in Court Cases; Expungement Order);** [ and ] 35 P.S. § 780-119 for expungement procedures under the Controlled Substance, Drug, Device, and Cosmetic Act; and for expungement procedures in cases satisfying the requirements of 18 Pa.C.S. § 9122(a)(4) regarding complete acquittals, *see* Rule 490.2 (Procedure for Expungement of Acquittals in Summary Cases; Expungement Order) and Rule 790.2 (Procedure for Expungement of Acquittals in Court Cases; Expungement Order).

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, 759 A.2d 1269 (Pa. 2000).

[ **Note: Adopted November 1, 2016, effective November 14, 2016.**

**Committee Explanatory Reports:**

**Final Report explaining new Rule 791 providing the procedures for orders for limited access in court cases published with the Court’s Order at 46 Pa.B. 7439 (November 26, 2016). ]**

**SUPREME COURT OF PENNSYLVANIA  
CRIMINAL PROCEDURAL RULES COMMITTEE**

**ADOPTION REPORT**

**Adoption of Pa.R.Crim.P. 490.2 and 790.2  
Amendment of Pa.R.Crim.P. 320, 490, 790, and 791**

On June 14, 2023, the Supreme Court adopted Pennsylvania Rules of Criminal Procedure 490.2 and 790.2 (providing procedures for expungement of complete acquittals), and amended Pennsylvania Rules of Criminal Procedure 320, 490, 790, and 791. The Criminal 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.

In October of 2020, 18 Pa.C.S. § 9122 was amended to provide for the “automatic” expungement of criminal history record information when a judicial determination has been made that a person has been acquitted of an offense. *See* Act of Oct. 29, 2020, P.L. 718, No. 83 (hereinafter “Act 83”). As amended, § 9122(a)(4) requires a court to notify the parties that the case will be automatically expunged. After being notified, the Commonwealth has 60 days to object to the automatic expungement. Such objection is limited to whether a full acquittal occurred in the case. If an objection is raised, a hearing must be held.

In addition to amending 18 Pa.C.S. § 9122, Act 83 amended 18 Pa.C.S. § 9122.1 to require an individual seeking a limited access order to pay both restitution and a previously authorized fee before a court is permitted to grant the petition for limited access. Section 9122.1 was also amended to remove the requirement that a petitioner must meet all financial obligations of a sentence prior to a court granting the petition.

Preliminarily, “automatic” and “automatically,” as used in 18 Pa.C.S. § 9122, indicate that expungement occurs without the need for a petition from the person acquitted when the requirements of the statute have been met. Automatic expungement does not, however, apply to a partial acquittal. Rather, it requires the person to have been “acquitted of all charges based on the same conduct or arising from the same criminal episode following a trial and a verdict of not guilty.” 18 Pa.C.S. § 9122(a)(4).

To implement Act 83, the Court has adopted Rules 490.2 and 790.2 and amended Rules 320, 490, 790, and 791 to accommodate the new rules. Rule 490.2 provides for expungement of a summary charge after acquittal, while Rule 790.2 provides for expungement in a court case after a complete acquittal. Together, Rules 490.2 and 790.2 provide the necessary procedures for expungement when “a judicial determination has been made that a person is acquitted of an offense.” 18 Pa.C.S. § 9122(a)(4).

For a rule providing for the automatic expungement of an acquittal in a summary case, the Committee first examined whether the expungement should be ordered by the magisterial district judge who decided the matter or by a common pleas judge. As Act 83 is silent on the question, the Committee reviewed prior policy in this area and noted that (1) there is no rule-governed motions practice in Chapter 4 (Procedures in Summary Cases) of the Rules of Criminal Procedure; and (2) the magisterial district courts are not courts of record. Additionally, common pleas judges have greater familiarity and experience with processing expungements—currently, all but truancy expungements are handled at the court of common pleas. Act 83 also requires that the Commonwealth be given an opportunity to object and that the court, upon the filing of an objection, conduct a hearing. *See* 18 Pa.C.S. § 9122(a)(4)(ii)—(a)(4)(iii). The closer proximity of district attorneys, courts of common pleas, and clerks of courts would increase the efficiency of this process. Consequently, the Committee concluded that expungements of summary acquittals should be entrusted to judges of the courts of common pleas. One exception is expungements of summary offenses in Philadelphia Municipal Court. Where an individual is acquitted of a summary offense in Municipal Court, the subsequent expungement would be processed by the Municipal Court as provided for by the new rule.

To implement the above, subdivision (a)(1) of Rule 490.2 requires the issuing authority to promptly “notify either the clerk of courts of the judicial district in which the

charges were disposed or, if the charges were disposed of in the Philadelphia Municipal Court, the clerk of Municipal Court” of the acquittal. The clerk of courts or the clerk of Municipal Court then has ten days to provide notice to the defendant, defense counsel, if any, and the attorney for the Commonwealth pursuant to subdivision (a)(2). The required contents of that notice are enumerated in subdivision (a)(4). Subdivision (b)(1) of the new rule then provides the Commonwealth with 60 days to file an objection in the court of common pleas or in Philadelphia Municipal Court, whichever applies. Upon receipt of the Commonwealth’s response, or no later than fourteen days after the 60 days has expired, the court shall either grant the expungement or schedule a hearing pursuant to subdivision (b)(2). If the Commonwealth does not object, the court must grant the expungement, and the order for expungement must contain the information enumerated in subdivision (c)(1). If the judge denies the expungement, subdivision (b)(5) requires the judge to enter an order stating the reasons for the denial. In either case, the judge shall issue the order granting or denying expungement in writing pursuant to subdivision (b)(6). Subdivision (c)(2) then directs the clerk of courts to serve a copy of the order on “each criminal justice agency identified in the court’s order and to all other entities required to be notified by statute.”

Rule 790.2 closely mirrors Rule 490.2 and implements procedures for the automatic expungement of criminal history record information when an individual is acquitted in a court case. *See* Pa.R.Crim.P. 103 (Definitions) (“Court Case is a case in which one or more of the offenses charged is a misdemeanor, felony, or murder of the first, second, or third degree.”). However, unlike Rule 490.2, the judge who presided over the acquittal is not required to provide notice to the clerk of courts of the acquittal as the clerk enters the acquittal on the docket as a matter of course, making notification unnecessary. Like Rule 490.2, if the acquittal occurs in Philadelphia Municipal Court, the expungement would be processed by the Municipal Court. In all other respects, Rule 790.2 complements Rule 490.2.

The addition of Rules 490.2 and 790.2 to the Rules of Criminal Procedure require corollary amendments to Rules 490 and 790. Rule 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) and Rule 790 (Procedure for Obtaining Expungement in Court Cases; Expungement Order) provide for the filing of a petition for expungement. The procedures outlined in those rules are not applicable where there has been a complete acquittal. Thus, subdivision (a)(1) of Rule 490 has been amended to except from that rule all expungements that fall within the ambit of Rule 490.2, and Rule 790.2 has been amended to except from that rule all expungements that fall within the ambit of Rule 790.2. Additionally, subdivision (c)(2) of both Rule 490 and Rule 790 have been amended to require the clerk of courts to serve a copy of the order “to all other entities required to be notified by statute.” The Comments to those rules have been amended to explain:

Subdivision (c)(2) requires the clerk of courts to serve each criminal justice agency identified in the court’s order as well as all other entities required to be notified by statute. *See, e.g.*, 18 Pa.C.S. § 9122(a)(3) (requiring the expungement of all administrative records of the Department of Transportation relating to a conviction pursuant to 18 Pa.C.S. § 6308 when that conviction is ordered to be expunged).

The Comments to Rule 490 and Rule 790 have also been amended to provide references to all other expungement rules.

Finally, in light of the amendment of 18 Pa.C.S. § 9122.1, Rule 791 (Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access) has been amended to reflect the change in financial obligations that must be satisfied prior to a limited access order being granted by the court. As amended, § 9122.1 prohibits a court from entering an order “unless the person who filed the petition, upon payment of all court-ordered restitution, also paid the fee previously authorized to carry out the limited access and clean slate limited access provisions.” 18 Pa.C.S. § 9122.1(a). The requirement that a defendant complete “each court-ordered financial obligation of the sentence” was deleted from § 9122.1(a) by Act 83. Thus, pursuant to the amendment of § 9122.1(a), a defendant needs to pay restitution and the fee imposed to cover the costs of the limited access and clean slate provisions, but not any other court-ordered financial obligations of the sentence, such as a fine or court costs, prior to any petition for limited access being granted. These changes are reflected in the amendments to subdivisions (a)(2)(viii) and (c)(1)(viii) of Rule 791.

Two final amendments have been adopted to create uniformity among the expungement rules: subdivision (c)(2) of Rule 791 has been amended to require the clerk to serve a copy of the order “to all other entities required to be notified by statute”; and the title of Rule 320 has been amended from “Expungement Upon Successful Completion of ARD Program” to “Procedure for Expungement Upon Successful Completion of ARD Program.”

The Committee published this proposal for comment. *See* 51 Pa.B. 5587 (September 4, 2021). Several commenters asked that the notice provisions of Rules 490.2 and 790.2 be amended to protect immigrant defendants “who may need access to records of acquittals in the future for non-criminal matters.” According to these commenters, immigrant defendants applying for permanent residence, naturalization, or asylum may be required to provide proof of any criminal dispositions. To ensure immigrant defendants are provided the necessary proof, these commenters requested that a notice of expungement advising the defendant to get a certified copy of the case disposition as soon as possible for future immigration proceedings be sent to the defendant, defense counsel, and the attorney for the Commonwealth.

The Committee determined that this concern would best be addressed by requiring documentation of an acquittal to be provided to the acquitted defendant at the time of the acquittal rather than at the time of expungement. While requiring documentation to be provided at the time of an acquittal was beyond the scope of this proposal, such a requirement may be the subject of future rulemaking.

Another commenter requested that subdivision (a)(1) of Rule 490.2 provide a more specific timeframe within which an issuing authority must notify the clerk of courts or the clerk of Municipal Court. As published, subdivision (a)(1) of Rule 490.2 would require “the issuing authority [to] promptly . . . notify either the clerk of courts . . . or . . . the clerk of Municipal Court.” The commenter noted that all other agencies are required to act within a specified time. In response, the Committee revised subdivision (a)(1) of Rule 490.2 to require the notice to be given “promptly, but no later than 20 days after acquittal[.]” The Committee believed that 20 days provided adequate

time for the issuing authority to provide the required notice without introducing unnecessary delay.

The following commentary has been removed from Rule 490:

NOTE: Adopted September 22, 2010 effective in 90 days; amended November 1, 2016, effective November 14, 2016 amended March 1, 2019, effective July 1, 2019.

*Committee Explanatory Reports:*

Final Report explaining the September 22, 2010 promulgation of new Rule 490 providing the procedures for expungements in summary cases published with the Court's Order at 40 Pa.B. 5737 (October 9, 2010).

Final Report explaining the November 9, 2016 amendment regarding the stay of expungement when the Commonwealth has consented and petition and order forms published for comment at 46 Pa.B. 7439 (November 26, 2016).

Final Report explaining the March 1, 2019 amendment regarding expungement of summary offenses when the defendant is under 18 years of age published with the Court's Order at 49 Pa.B. 1121 (March 16, 2019).

The following commentary has been removed from Rule 790:

NOTE: Adopted September 22, 2010 effective in 90 days; amended November 1, 2016, effective November 14, 2016.

*Committee Explanatory Reports:*

Final Report explaining the September 22, 2010 promulgation of new Rule 790 providing the procedures for expungements in court cases published with the Court's Order at 40 Pa.B. 5737 (October 9, 2010).

Final Report explaining the November 9, 2016 amendment regarding the stay of expungement when the Commonwealth has consented and petition and order forms published with the Court's Order at 46 Pa.B. 7439 (November 26, 2016).

The following commentary has been removed from Rule 791:

NOTE: Adopted November 1, 2016, effective November 14, 2016.

*Committee Explanatory Reports:*

Final Report explaining new Rule 791 providing the procedures for orders for limited access in court cases published with the Court's Order at 46 Pa.B. 7439 (November 26, 2016).

These new rules and amendments become effective April 1, 2024.

[Pa.B. Doc. No. 23-842. Filed for public inspection June 30, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Amendment of Rules of Criminal Procedure 705.1(D); Administrative Order Number 5B of 2022

#### Order of Court

And Now, this 13th day of June, 2023, after review of Administrative Order 5A of 2022 by the State Procedural Rules Committee, *It Is Ordered* that Administrative Or-

der 5A of 2022, issued on August 10, 2022, is *Herby Vacated* and the following new Order is issued. Rule 705.1(D) of the Adams County Rules of Criminal Procedure shall be amended as to the Sex Offender Rules of Supervision and Computer Use/Internet Capable Device and Internet Access Agreement sections only, as follows:

#### Rule 705.1. Conditions of Probation, Intermediate Punishment and Parole.

##### (D) Conditions:

Until changed by rule or administrative order, conditions of probation, parole and intermediate punishment are established in accordance with the following forms:

\* \* \* \* \*

#### SEX OFFENDER RULES OF SUPERVISION

1. You shall obtain a sex offender evaluation from a certified sex offender treatment provider and follow through with [ **the** ] **all expectations and** recommendations resulting therefrom and shall assume all responsibility for the costs of any required program. You shall provide written authorization for release of confidential information between your **certified** sex offender treatment provider and the Adams County Department of Probation Services.

2. You shall submit to regular polygraph examinations as directed by the treatment provider. You are responsible for the cost of this service.

3. If your offense involved a minor, you shall not frequent places where children congregate including but not limited to, [ **parks,** ] playgrounds, swimming pools, schools, malls, arcades. You shall not engage in any activity **or employment** that will bring you in close contact with children [ **(This rule may be waived by your probation officer for school attendance purposes if you are a juvenile.)** ] **unless you receive permission from your Probation Officer.**

4. If your offense involved a minor, you are not permitted to reside with minor children without permission from the Court; **this includes children within your family. You will not have any contact with minor children without permission from your Probation Officer, or a Court Order. If supervised contact is permitted, the individual who provides the supervision must first be approved by your Probation Officer and the treatment provider.**

5. You will not possess pornographic materials of any kind, including photographs, movies, or computer generated images depicting or showing nudity. [ **You may not possess images of your victim.** ] You shall not enter adult book stores, adult entertainment clubs, massage parlors or any other establishment, that promote sexual material or objectifies males or females.

**6. You may not possess images of your victim(s) in any format.**

**7. You will sign and agree to the conditions of the Sex Offender Internet Capable Device and Internet Access Agreement.**

[ **6.** ] **8.** For monitoring purposes, you are subject to search of cell phone, camera/**video recorder**, computer, gaming device and their accessories[ **that** ], **and any other device capable of internet access. These items may be viewed and/or scanned at any time to detect pornographic or sexually explicit content. You will agree to have a technology monitoring device or program**

installed on any computer[ s ] or device you are authorized to possess or to which you have access [ to and you will sign and agree to the conditions of Sex Offender Computer Use and Internet Access Agreement ] if your certified sex offender treatment provider recommends or if there is a violation of any of these sex offender conditions or the Sex Offender Internet Capable Device and Internet Access Agreement.

[ 7. ] **9.** You will comply with all sex offender registration and statutory requirements if applicable. **You must provide fingerprints, palm prints, DNA sample and photograph, pursuant to 42 Pa.C.S.A. 9799.23(a)(4).**

[ 8. ] **10.** You shall obtain permission from a Probation Officer before leaving the [ **County of Adams and you must secure travel permission before leaving the** ] Commonwealth of PA.

[ 9. ] **11.** You shall not receive mail at any other location than your home residence address without your Probation Officers approval.

**12. You are required to sign "Release of Information" forms as directed.**

#### SEX OFFENDER SUPERVISION PROGRAM

#### [ **COMPUTER USE** ] **INTERNET CAPABLE DEVICE AND INTERNET ACCESS AGREEMENT**

**I understand I am permitted to have access to internet capable devices and internet unless my certified sex offender treatment provider recommends restricting access.**

[ **In being granted the privilege of using a computer while under Sex Offender Supervision and/or having access to the Internet, ] I hereby agree to the following:**

1. I will [ **provide a written justification for my possession and use of a computer, Internet access, and/or use of any e-mail systems** ] only use the internet capable devices and/or internet provider approved by my Probation Officer and my certified sex offender treatment provider.

2. I [ **agree to the installation of Court-authorized technology on my devices with Internet access to monitor nature and content of materials accessed or viewed, and any examination/search of my computer or electronic devices** ] will not enter or participate in any social media or chat rooms of any type unless I have been approved to do so by my certified sex offender treatment provider.

3. I will [ **only use the computer and/or Internet Service Provider approved by my Probation Officer** ] not access any site that contains sexually graphic material unless I have been approved to do so by my certified sex offender treatment provider.

4. I will not [ **enter or participate in any social media or chat rooms of any type** ] possess sexually graphic material on any internet capable device or mechanism that can hold such material for visual use unless I have been approved to do so by my certified sex offender treatment provider.

5. I will not [ **access any site that contains sexually explicit or pornographic material depicting**

**nudity ] use any encryption devices on my internet capable device. I will supply my Probation Officer with any and all passwords and/or e-mail addresses used on my internet capable device.**

6. I [ **will not possess sexually graphic material on any electronic device or mechanism that can hold such material for visual use** ] recognize I am responsible for all material and information on my internet capable device regardless if other individuals have access to or use my internet capable device.

7. I [ **will not use any encryption devices on my computer** ] agree to any search of the content of my internet capable device. I will supply my Probation Officer with any and all passwords and/or e-mail addresses used on my computer.

8. I [ **recognize I am responsible for all material and information on my computer regardless if other individuals have access to or use my computer** ] agree to supply documentation of telephone records, credit/debit card records, or invoices relating to the use of my internet capable device and/or internet access.

9. I [ **agree to supply documentation of telephone records, credit card records, or invoices relating to the use of my computer and/or Internet access** ] understand that any non-compliance with this agreement, deception on my part, lack of cooperation or resistance to providing requested information will be grounds for violation proceedings being initiated.

10. I understand that [ **any non-compliance with this agreement, deception on my part, lack of cooperation or resistance to providing requested information will be grounds for this privilege being revoked and/or violation proceedings being initiated** ] if my certified sex offender treatment provider recommends or if there is a violation of this agreement, I am subject to having a technology monitoring device/program installed on any internet capable device I am authorized to possess or to which I have access.

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

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

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

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

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

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

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

g. Upon the effective date of the local rule, these conditions shall be applicable to any person sentenced, adjudicated, resentenced, or paroled on or after that date.

h. Upon the effective date of the local rule, the Sex Offender Rules of Supervision and the Sex Offender Supervision Program Computer Use and Internet Access Agreement as described previously in Administrative Order 17 of 2015 shall be applicable only to those persons sentenced, resentenced, or paroled prior to the effective date of the local rule described herein.

i. In order to avoid a long-term, bifurcated approach to the Rules of Probation, the Department of Probation Services shall also execute the appropriate updated form(s) with all existing persons subject to sex offender conditions of probation or parole in any form established prior to the effective date of the local rule. Due to the number of persons involved, the Department of Probation Services will have two months from the effective date of the local rule to complete this provision. After two months from the effective date of the local rule, the Sex Offender Rules of Supervision and the Sex Offender Supervision Program Computer Use and Internet Access Agreement as described in Administrative Order 17 of 2015 shall be vacated.

j. In the event a person subject to the Rules of Probation as described in Administrative Order 17 of 2015 has not signed the updated conditions described herein before the time that said conditions described in Administrative Order 17 of 2015 is to be vacated, regardless of the reason, the Department of Probation Services will initiate revocation proceedings prior to said conditions within Administrative Order 17 of 2015 being vacated. If the person is subject to a bench warrant at the time this rule becomes effective, the Department of

Probation Services shall, prior to said conditions within Administrative Order 17 of 2015 being vacated, submit an Amended Violation Report to indicate that the person has not followed the directive of the Department of Probation Services to sign the updated form(s). If, for some reason, the Department of Probation Services had not initiated revocation proceedings in conjunction with the issuing of the bench warrant, the Department of Probation Services shall initiate revocation proceedings due to the failure of the person to sign the updated conditions.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

[Pa.B. Doc. No. 23-843. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Daniel Goldsmith Ruggiero having been suspended from the practice of law in the Supreme Court of Massachusetts; the Supreme Court of Pennsylvania issued an Order dated June 14, 2023 suspending Daniel Goldsmith Ruggiero (# 312849) from the practice of law in this Commonwealth for a period of one year and one day, effective July 14, 2023.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 23-844. Filed for public inspection June 30, 2023, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Bureau of Ride and Measurement Standards

#### Order

This Order permits the owner or lessee of the Pipeline Blast Water Coaster, as modified with the VR Slide® system described herein, to operate such ride under a variance from certain registration requirements prescribed by the Amusement Ride Inspection Act (4 P.S. §§ 401—418) (“Act”) and its attendant regulations (7 Pa. Code Chapter 139).

#### *Background*

The Pennsylvania Department of Agriculture (“Department”) has lawful authority to issue a variance with respect to any rule, regulation or standard prescribed by the Act and its attendant regulations. This authority is expressly established at Sections 4(4) and 9 of the Act (4 P.S. §§ 404(4) and 409) and referenced in the regulation at 7 Pa. Code § 39.12 (relating to variances).

A variance may be issued: 1) to prevent undue hardship; or 2) where existing conditions prevent practical compliance and the safety of the public can be reasonably assured.

The Department regulates amusement rides and attractions under strict safety standards for the design, construction, maintenance, operation and inspection of such rides and attractions. ASTM International, the organization formerly known as the American Society for Testing and Materials, develops and publishes technical standards for a wide variety of industries with the goal of enhancing performance and safety. The Department adopts the standards developed by ASTM International’s committee on amusement rides and devices (“ASTM F24 Committee Standards”) as its regulatory standards with respect to amusement rides and attractions that operate in this Commonwealth.

Kalahari Resorts, LLC (“Owner”) is the owner and operator of the Pipeline Blast Water Coaster, an amusement ride that has been approved by and registered with the Department as PA Ride No. 16738. Ballast Technologies, Inc. (“Manufacturer”) is a technology company that has developed Virtual Reality experiences for use in conjunction with aquatic themed parks, including the VR Slide® system. The VR Slide® system allows a rider to observe a set visual experience through a Virtual Reality headset that is synchronized to a rider’s position within a water slide or other aquatic ride. In this instance, the Owner has installed the VR Slide® system on the Pipeline Blast Water Coaster (“Modified Ride”) as an optional feature that a rider may choose to experience.

7 Pa. Code § 139.4 establishes the requirements for registering a new or modified amusement ride or attraction with the Department. As a condition for registration, the applicant must ensure that the amusement ride complies with all applicable ASTM F24 Committee Standards for that ride. Currently, the ASTM F24 Committee has not issued any specific standards for water rides modified with Virtual Reality systems.

The absence of such standards has prevented practical compliance with certain registration requirements of the Act and its attendant regulations. For example, the regulation at 7 Pa. Code § 139.4 (relating to registration) requires written verification under seal of a professional engineer that the ride conforms with, among other things, the ASTM F24 Committee Standards. As there are no ASTM F24 Committee Standards that specifically address this type of Virtual Reality modification, the Department recognizes this regulatory requirement has created an undue hardship for the Owner and registration of the Modified Ride has been difficult to vet through the Department’s existing process.

The Owner and Manufacturer of the Modified Ride have requested this variance in accordance with the Act. In support of this request, the Owner retained a licensed professional engineer to: (1) review the Manufacturer’s proprietary data and materials pertinent to the design and structure of the VR Slide® system, and (2) perform independent, functional testing to verify the safety and performance of the Modified Ride. Upon extensive review of the professional engineer’s report and inspection by the Department, it is the belief of this office that a limited variance is appropriate with respect to the approval and registration of the Modified Ride, and such variance will not adversely affect the health or safety of the public.

In summary, this variance will allow the Owner to register the Modified Ride in the absence of ASTM F24 Committee Standards specific to water rides modified with a Virtual Reality system. Following the adoption of any Virtual Reality system standards by the ASTM F24 Committee, the Modified Ride must be re-registered with the Department in conformance with those standards.

#### *Variance*

For purposes of this Order, the definitions set forth in the Act and its attendant regulations will apply. A variance is hereby issued under authority of the Act. The limited terms of this variance are as follows:

1. Although the Modified Ride is an amusement ride for the purposes of the Act and its attendant regulations, the Owner shall be exempt from the requirement specified in 7 Pa. Code § 139.4(d)(7)(ii)(D) that the Modified Ride meets all requirements of the ASTM F24 Committee Standards as a condition of registration. The effect of this provision is to remove the requirement to submit written verification under seal of a licensed professional engineer confirming the Modified Ride’s compliance with ASTM F24 Committee Standards. The professional engineer’s written verification must confirm compliance with all other requirements specified in subsection (d)(7)(ii)(D).

2. Upon the adoption of specific standards by the ASTM F24 Committee relating to the use of Virtual Reality systems with water rides, this variance will immediately cease and the Owner must re-register the Modified Ride in accordance with the registration requirements of the Act and its attendant regulations for new and modified rides. As part of re-registration, the Owner shall submit new written verification under seal of a licensed professional engineer confirming that the Modified Ride meets the requirements of the newly adopted ASTM F24 Committee Standards.

3. The Stop-use Order issued by the Department on January 1, 2022 regarding operation of the Modified Ride is vacated with immediate effect.

4. The Department will continuously monitor the efficacy of this variance and may revise or rescind this variance as it deems necessary.

5. This Order shall be effective immediately.

RUSSELL REDDING,  
*Secretary*

[Pa.B. Doc. No. 23-845. Filed for public inspection June 30, 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 June 20, 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

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-20-2023	Univest Bank and Trust Co. Souderton Montgomery County	689 West Main Street New Holland Lancaster County	Filed

### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

WENDY S. SPICHER,  
*Interim Acting Secretary*

[Pa.B. Doc. No. 23-846. Filed for public inspection June 30, 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](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

*Section Category*

- |     |  |
|-----|--|
| 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](http://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](http://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](http://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 &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0923805	Joint DEP/PFBC Pesticides Permit	New	Diamond Ridge Camp 1702 Yost Road Blue Bell, PA 19422-3636	Warwick Township Bucks County	SERO
0923806	Joint DEP/PFBC Pesticides Permit	New	Ferello Christine 15 Brook Drive Furlong, PA 18925-1038	Doylestown Borough Bucks County	SERO
1513875	Joint DEP/PFBC Pesticides Permit	Renewal	Leopard Lakes Farms Inc. P.O. Box 268 Berwyn, PA 19312-0268	Easttown Township Chester County	SERO
1513886	Joint DEP/PFBC Pesticides Permit	Renewal	Chester County Water Resource Authority P.O. Box 2747 601 Westtown Road West Chester, PA 19380-0990	Newlin Township Chester County	SERO
1523828	Joint DEP/PFBC Pesticides Permit	New	Charlton Debbie 12 Kotobuki Lane Landenberg, PA 19350-9569	Franklin Township Chester County	SERO
5113802	Joint DEP/PFBC Pesticides Permit	Renewal	Torresdale Frankford CC 3801 Grant Avenue Philadelphia, PA 19114-2720	Philadelphia City Philadelphia County	SERO
5813818	Joint DEP/PFBC Pesticides Permit	Renewal	Flower Cornelia 134 Elk Lake School Road Springville, PA 18844-7736	Springville Township Susquehanna County	NERO
6413835	Joint DEP/PFBC Pesticides Permit	Amendment	Wildwood Park Outing Club Inc. 335 Avoy Road Lake Ariel, PA 18436-4810	Lake Township Wayne County	NERO
1512201	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Southeastern Chester County Refuse Authority P.O. Box 221 Kennett Square, PA 19348-0221	London Grove Township Chester County	SERO
3615403	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Turkey Hill LP 165 Flanders Road Westborough, MA 01581-1032	Drumore Township Lancaster County	SCRO
4020402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010	Rice Township Luzerne County	NERO
NOEXNW102	No Exposure Certification	Renewal	Foam Fabricators Inc. 8722 E San Alberto Drive Suite 200 Scottsdale, AZ 85258-4353	Fairview Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG030031	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Rhoads Church LLC 205 Hazel Street Lancaster, PA 17603	Parkesburg Borough Chester County	SERO
PAG033582	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Eleni Trading Inc. 77 Witman Road Reading, PA 19605-1226	Muhlenberg Township Berks County	SCRO
PAG034049	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Alex C Fergusson Inc. 800 Development Avenue Chambersburg, PA 17201-4103	Letterkenny Township Franklin County	SCRO
PAG034050	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	York Railway Co. 47849 Papermill Road Coshocton, OH 43812-9724	West Manchester Township York County	SCRO
PAG034051	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Weber Bros Inc. 795 N Mill Street Lebanon, PA 17046-9344	North Annville Township Lebanon County	SCRO
PAG034840	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Blackhawk Specialty Tools LLC 285 Marcellus Drive Muncy, PA 17756-6647	Muncy Borough Lycoming County	NCRO
PAG035035	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Energy Solutions US LLC 400 W Brown Street Lock Haven, PA 17745-3914	Castanea Township Clinton County	NCRO
PAG036159	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Chase Royston Corp 128 1st Street Blawnox, PA 15238-3223	Pittsburgh City Allegheny County	SWRO
PAG036165	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Heartland Fabrication LLC 1800 Paul Thomas Boulevard Brownsville, PA 15417-1555	Brownsville Township Fayette County	SWRO
PAG036540	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Landprise Realty LLC 7565 Route 30 Irwin, PA 15642	Hempfield Township Westmoreland County	SWRO
PAG036541	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Keystone Recycling Solutions LLC 2200 PA 130 Latrobe, PA 15650	Quemahoning Township Somerset County	SWRO
PAG038303	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Wabtec US Rail Inc. 660 Barkeyville Road Grove City, PA 16127-4802	Pine Township Mercer County	NWRO
PAG038330	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ben Weitsman & Son of New Castle LLC 526 S Jefferson Street New Castle, PA 16101-3959	New Castle City Lawrence County	NWRO
PAG038381	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Waste Management of PA Inc. 6330 Route 219 Brockway, PA 15824-5016	Washington Township Jefferson County	NWRO
PAG038382	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	SSAB Inc. 251 Wheeler Place Sharon, PA 16146-1677	Sharon City Mercer County	NWRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG038448	PAG-03 NPDES General Permit for Industrial Stormwater	New	Cronimet Specialty Metals USA Inc. 209 Reynolds Industrial Park Drive Greenville, PA 16125-8216	Pymatuning Township Mercer County	NWRO
PAG038461	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Concrete Service Corp P.O. Box 930 Fairview, PA 16415-0930	Fairview Township Erie County	NWRO
PAG038464	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Waste Management PA Inc. 4562 Route 119 Highway S Homer City, PA 15748-7221	Center Township Indiana County	NWRO
PAG038466	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lake Erie Biofuels LLC 1540 E Lake Road Erie, PA 16511-1090	Erie City Erie County	NWRO
PAG038470	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Famco Service & Mach Inc. 754 S Main Street Ext Punxsutawney, PA 15767-7943	Young Township Jefferson County	NWRO
PAG038471	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	EFCO Inc. P.O. Box 4061 Erie, PA 16512-4061	Erie City Erie County	NWRO
PAG038480	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Accuride Corp 1015 E 12th Street Erie, PA 16503-1520	Erie City Erie County	NWRO
PAG038482	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Andritz Metals USA Inc. 130 Main Street P.O. Box AB Callery, PA 16024-9810	Adams Township Butler County	NWRO
PAG038488	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Altium Pkg LLC 221 Grove Street New Castle, PA 16101-4022	New Castle City Lawrence County	NWRO
PAG038490	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Beverage Air 119 Progress Street Brookville, PA 15825-2617	Brookville Borough Jefferson County	NWRO
PAG038491	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Channelock Inc. 1306 S Main Street Meadville, PA 16335-3035	Meadville City Crawford County	NWRO
PAG038492	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Channelock Inc. 1306 S Main Street Meadville, PA 16335-3035	Vernon Township Crawford County	NWRO
PAG045080	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Seedor Jason J 326 W Ridge Road Sunbury, PA 17801-5224	Lower Augusta Township Northumberland County	NCRO
PAG124862	PAG-12 NPDES General Permit for CAFOs	Transfer	Jim & Linda Kucharski 39 Old Mill Road Liberty, PA 16930-9210	Liberty Borough Tioga County	SCRO
PAG136356	PAG-13 NPDES General Permit for MS4s	Renewal	Beaver County 810 Third Street Beaver, PA 15009	Beaver Borough Beaver County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4823402	Sewer Extensions Individual WQM Permit	New	Nazareth Borough Municipal Authority Northampton County P.O. Box A Nazareth, PA 18064-0450	Lower Nazareth Township Northampton County	NERO
PA0272098	Single Residence STP Individual NPDES Permit	Transfer	Hunter Dustin 21481 Fisher Road Meadville, PA 16335-5421	Woodcock Township Crawford County	NWRO
0423402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Stauber Connie 1228 Perry Highway Portersville, PA 16051-2412	North Sewickley Township Beaver County	SWRO
1513402	Single Residence Sewage Treatment Plant Individual WQM Permit	Amendment	Wachs Rachel A 215 W Church Road King of Prussia, PA 19406-3203	West Brandywine Township Chester County	SERO
2019401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Hunter Dustin 21481 Fisher Road Meadville, PA 16335-5421	Woodcock Township Crawford County	NWRO
4999404	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Seedor Jason J 326 W Ridge Road Sunbury, PA 17801-5224	Lower Augusta Township Northumberland County	NCRO

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

### Northcentral Regional Office

**PA0209228**, Sewage, SIC Code 4952, **Lycoming County Water & Sewer Authority**, P.O. Box 186, Montoursville, PA 17754-0186. Facility Name: Montoursville Region Sewer System STP. This existing facility is located in Fairfield Township, **Lycoming County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 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	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	313	500	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	375	563	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					

<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>	
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo					
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo					
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Copper, Total (ug/L)	Total Mo					
	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	

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	XXX	34,703	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)		Total				
Effluent Net		Annual				
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)		Total				
Ammonia-Nitrogen		Annual				
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total				
Total Phosphorus		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total				
Total Phosphorus		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	4,627	XXX	XXX	XXX	XXX
Effluent Net		Total				
		Annual				

\* 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.

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

- Chesapeake Bay Nutrient Requirements
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- Other Requirements

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

The EPA Waiver is not in effect.

*Northcentral Regional Office*

**PA0232378**, Sewage, SIC Code 4952, **Showver Max J**, P.O. Box 144, Tavares, FL 32778-0144. Facility Name: Max Showver SRSTP. This existing facility is located in Union Township, **Union 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), West Branch Susquehanna River (WWF, MF), is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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
pH (S.U.)	Annl Avg	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	Report Daily Max	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	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 570-327-3693.

The EPA Waiver is in effect.

Northwest Regional Office

**PA0101737**, Sewage, SIC Code 6515, **Wilderness MHP, LLC**, 100 Mountain Laurel Village, Spring Brook Township, PA 18444-6373. Facility Name: Wilderness MHP. This existing facility is located at 213 Wilderness Drive, Clarendon, PA 16313 in Pleasant 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(s), Unnamed Tributary to Morrison Run, is located in State Water Plan watershed 16-B and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX

The proposed effluent limits for Outfall 001 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	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 6.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.129
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	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
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean		
Nov 1 - Apr 30				7.5	XXX	15
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5

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*

**PA0210510**, Sewage, SIC Code 4952, **Ohanna Rental Properties LLC**, 9201 State Road, Cranesville, PA 16410-1613. Facility Name: Ohanna Rental Properties STP. This existing facility is located in Springfield Township, **Erie 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 Turkey Creek, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0035 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	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (#/100 ml)	XXX	XXX	XXX	2,000	XXX	XXX
				Geo Mean		
				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	24.0	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	8.0	XXX	16.0
Nov 1 - Apr 30	XXX	XXX	XXX	1.0	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
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 814-332-6078.

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0293300**, Sewage, SIC Code 8800, **Steven Bowman**, 1211 Blue Sky Drive, New Castle, PA 16105-4741. Facility Name: Bowman SRSTP. This proposed facility is located in Neshannock Township, **Lawrence County**.

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

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

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

**PA128301**, Storm Water, SIC Code 2047, **Post Consumer Brands, Inc.**, 18746 Mill Street, Meadville, PA 16335-3644. Facility Name: Post Consumer Brands Meadville. This existing facility is located in Vernon Township, **Crawford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial stormwater. The application also transfers ownership from the Ainsworth Pet Nutrition, LLC to Post Consumer Brands, Inc.

The receiving stream, the French Creek (WWF), is located in State Water Plan watershed 16-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
pH (S.U.)	XXX	XXX	Report Inst Min	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
pH (S.U.)	XXX	XXX	Report Inst Min	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

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.

*Southeast Regional Office*

**PA0050466 A-1**, Sewage, SIC Code 4952, **East Vincent Township, Chester County**, 262 Ridge Road, Spring City, PA 19475-2203. Facility Name: Veterans Center STP. This existing facility is located in East Vincent Township, **Chester County**.

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

The receiving stream(s), Unnamed Stream, is located in State Water Plan watershed 3-D and is classified for 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 .330 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	27.5	41.3	XXX	10.0	15.0	20

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	27.5	41.3	XXX	10.0	15.0	20
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	2,000.0	2,500
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30				Geo Mean		
Total Nitrogen	27.5	XXX	XXX	10.0	XXX	20
Ammonia-Nitrogen	4.13	XXX	XXX	1.5	XXX	3
Total Phosphorus	5.50	XXX	XXX	2.0	XXX	4
Nov 1 - Mar 31	4.13	XXX	XXX	1.5	XXX	3
Apr 1 - Oct 31						
Ultraviolet light dosage (mWsec/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

- A. No stormwater
- B. Property rights
- C. Sludge disposal
- D. Small stream
- E. Responsible operator
- F. Act 11 regulations
- G. Operations and Maintenance Plan
- H. DRBC's fecal coliform

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

The EPA Waiver is in effect.

*Southeast Regional Office*

**PA0058548**, Sewage, SIC Code 4952, **Keelersville Club**, 2522 Ridge Road, Perkasie, PA 18944. Facility Name: Keelersville Club STP. This existing facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Threemile Run (TSF), is located in State Water Plan watershed 2-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	10.0	XXX	20
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6
Total Phosphorus	0.008	XXX	XXX	0.9	XXX	1.8
	Avg Qrtly					

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly		Average Quarterly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
				Avg Mo		
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	50	XXX	1,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	50	XXX	1,000
				Geo Mean		
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

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

- No stormwater into sanitary sewers
- Proper disposal of collected screenings, slurries, and other solids
- Fecal coliform monitoring for seasonal effluent limits
- Monthly cleaning requirement for UV Disinfection unit

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

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0253812**, Sewage, SIC Code 9999, **Glendale Valley Municipal Authority**, 1800 Beaver Valley Road, Flinton, PA 16640-9000. Facility Name: Glendale Valley WWTP. This existing facility is located in Reade Township, **Cambria 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), Clearfield Creek (WWF), is located in State Water Plan watershed 8-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.—Limits

Parameters	Mass Units (lbs/day)		Instantaneous 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 0.45 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Daily Min			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	93.9	140.8	XXX	25	37.5	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	112.7	169.0	XXX	30	45	60
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent 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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .45 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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>	
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Copper, 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 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) (lbs)	XXX	7,808 Total	XXX	XXX	XXX	XXX
Effluent Net Total Nitrogen (Total Load, lbs) (lbs)	XXX	Annual Report Total	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Annual Report Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Annual Report Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Annual 1,041 Total	XXX	XXX	XXX	XXX
Effluent Net		Annual				

\* 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.

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

- Chesapeake Bay Nutrients Requirements
- Solids Management for Non-Lagoon System
- Optimization of Chlorine Dosage
- Notification of Designation of Responsible Operator
- Hauled-in Waste Restriction

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

The EPA Waiver is not in effect.

*Southwest Regional Office*

**PA0090328**, Industrial, SIC Code 2011, **Green Valley Packing Inc.**, 2992 Green Valley Road, Claysville, PA 15323-1360. Facility Name: Green Valley Packing. This existing facility is located in Buffalo Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary to Buffalo Creek (HQ-WWF), is located in State Water Plan watershed 20-E 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 an average discharge flow of 0.004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	0.75	1.5	XXX	10.0	20.0	XXX
Total Suspended Solids	0.75	1.5	XXX	10.0	20.0	XXX
Oil and Grease	0.55	1.1	XXX	10.0	20.0	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200.0	400.0	XXX
May 1—Sept 30						
Oct 1—Apr 30	XXX	XXX	XXX	400.0	400.0	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	4.0	8.0	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	1.5	3.0	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0093181**, Industrial, SIC Code 4953, **Industrial Wastes LLC**, 333 N Summit Street, Toledo, OH 43699-0086. Facility Name: Industrial Wastes LLC Darlington Plant. This existing facility is located in Darlington Township, **Beaver 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), East Fork Stateline Creek (HQ-CWF), is located in State Water Plan watershed 20-B 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 0.31 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.011	0.026	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	2,350	4,700	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	20	40	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	4.5	9.0	XXX
Oct 1 - Apr 30						
May 1 - Sep 30	XXX	XXX	XXX	3.0	6.0	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	0.001	0.002	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Cobalt, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	0.012	0.024	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Manganese, Total	XXX	XXX	XXX	1.0	1.58	XXX
Nickel, Total	XXX	XXX	XXX	0.1	0.2	XXX
Sulfate, Total	XXX	XXX	XXX	600	1,200	XXX
Zinc, Total	XXX	XXX	XXX	0.08	0.16	XXX
Acrylamide (ug/L)	XXX	XXX	XXX	Report	Report	XXX
1,2,4-Trichlorobenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Chloroform (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.31 MGD.—Final 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 Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.011	0.026	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	2,350	4,700	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	20	40	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	4.5	9.0	XXX
Oct 1 - Apr 30						
May 1 - Sep 30	XXX	XXX	XXX	3.0	6.0	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	0.001	0.002	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Cobalt, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	0.012	0.024	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	1.58	XXX
Nickel, Total	XXX	XXX	XXX	0.1	0.2	XXX
Sulfate, Total	XXX	XXX	XXX	600	1,200	XXX
Zinc, Total	XXX	XXX	XXX	0.08	0.16	XXX
Acrylamide (ug/L)	XXX	XXX	XXX	0.08	0.13	XXX
1,2,4-Trichlorobenzene (ug/L)	XXX	XXX	XXX	0.07	0.11	XXX
Chloroform (ug/L)	XXX	XXX	XXX	5.78	9.0	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.**

*Southwest Regional Office*

Applicant: **HARSCO Environmental**

Applicant Address: 300 Seven Fields Blvd, Suite 300, Seven Fields, PA 16046

Application Number: **PA030002D**

Application Type: New

Municipality/County: East Franklin Township, **Armstrong County**

Total Earth Disturbance Area (acres): 10.9 acres

Surface Waters Receiving Stormwater Discharges: BEFORE: Receiving Water Ch 93 Class Limestone Run WWF Limestone Run WWF Limestone Run WWF AFTER: Receiving Water Ch 93 Class Limestone Run WWF Limestone Run WWF Limestone Run WWF

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

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

Project Description: The proposed project involves in-place closure of slag structural fill areas for Release of Liability under the PA Land Recycling and Environmental Remediation Standards Act. The site qualifies for site restoration, and no new impervious/gravel areas, or stormwater BMPs are proposed.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

*Northeast Regional Office*

Applicant: **Pocono Ranch Lands Property Owners Association**

Applicant Address: 112 Ranchlands Drive, Bushkill, PA 18324

Application Number: **PAD520005**

Application Type: Renewal

Municipality/County: Lehman Township, **Pike County**

Total Earth Disturbance Area (acres): 7.54 acres

Surface Waters Receiving Stormwater Discharges: Toms Creek, Exceptional Value, Migratory Fish (EV, 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: Development of a connecting road on an empty lot.

Special Conditions: N/A

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

*Northeast Regional Office*

Applicant: **Preservation Graystones, LLC, c/o Michael H. Holland, Managing Partner**

Applicant Address: P.O. Box 662, Norwich, VT 05055

Application Number: **PAD130040**

Application Type: New

Municipality/County: Kidder Township, Penn Forest Township, **Carbon County**

Total Earth Disturbance Area (acres): 271.84 acres

Surface Waters Receiving Stormwater Discharges: 1. Mud Run (HQ-CWF, MF) 2. UNT to Lehigh River (HQ-CWF, MF) 3. Lehigh River (HQ-CWF)

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

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

Project Description: The project site consists of nearly 4,000 acres of pristine forested area bordering Hickory Run State Park to the North, the Lehigh River to the West, and Mud Run to the South. The project proposes a conservation subdivision comprised of approximately 74 lots varying in size from 3 acres—12 acres; approximately 8.6 miles of roadway (gravel); onlot sewer/well water; and stormwater facilities. The project limits of disturbance (272 acres) have been carefully designed to be as minimal as possible, as conservation of the existing natural features is paramount.

Special Conditions: N/A

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

*Southeast Regional Office*

Applicant: **PPG Pine Road, LLC**

Applicant Address: 2312 North Broad Street, Colmar, PA 18915-9725

Application Number: **PAD460048**

Application Type: Major Amendment

Municipality/County: Lower Moreland Township and City of Philadelphia, **Montgomery County** and **Philadelphia County**

Total Earth Disturbance Area (acres): 49.0 acres

Surface Waters Receiving Stormwater Discharges: Huntingdon Valley Creek (TSF/MF) Pennypack Creek (TSF/MF)

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

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

Project Description: The existing NPDES permit is proposed to be amended to change the originally proposed infiltration basin to a managed release concept (MRC) basin. There is no new earth disturbance proposed. This modification only occurs with Lower Moreland Township, Montgomery County.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

*Southwest Regional Office*

Applicant: **Conemaugh Township Municipal Authority**

Applicant Address: 1120 Tire Hill Road, Johnstown, PA 15905

Application Number: **PAD560009**

Application Type: New

Municipality/County: Conemaugh Township and Jenner Township, **Somerset County**

Total Earth Disturbance Area (acres): 6 acres

Surface Waters Receiving Stormwater Discharges: Tributary 45361 to Stonycreek River: Cold Water Fishery. Tributary 45176 to South Fork Bens Creek: High Quality—Cold Water Fishery. Tributary 45175 to South Fork Bens Creek: High Quality—Cold Water Fishery. South Fork Bens Creek: High Quality—Cold Water Fishery. North Branch South Fork Bens Creek: High Quality—Cold Water Fishery. Tributary 45166 to South Fork Bens Creek: High Quality—Cold Water Fishery. Tributary 45158 of South Fork Bens Creek: High Quality—Cold Water Fishery. Tributary 45157 to South Fork Bens Creek: High Quality—Cold Water Fishery. Gilbert Hollow: High Quality—Cold Water Fishery. Tributary 45148 to South Fork Bens Creek: High Quality—Cold Water Fishery. Tributary 45145 to South Fork Bens Creek: High Quality—Cold Water Fishery. Tributary 45140 of South Fork Bens Creek: High Quality—Cold Water Fishery. Tributary 45139 to South Fork Bens Creek: High Quality—Cold Water Fishery. Stonycreek River: Warm Water Fishery

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

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

Project Description: This project consists of the installation of approximately 52,000 linear feet of various waterline sizes, approximately 14,000 linear feet of service lines, the replacement of approximately 561 curb stop assemblies, and installation of approximately 561 meter pits. The existing 10" raw waterline connecting the reservoir to the Water Treatment Plant is to be replaced. The replacement of the 10" waterline connecting the water storage tanks to State Route 985 is also included in this Project. The waterline along State Route 985 is 8" in diameter and connects to the Jerome and Davidsville Pump Stations. This waterline is to be replaced with a new 10" waterline. An existing 6-inch waterline along Jerome Hill is to be replaced with a new 6" waterline. A new 8" waterline is to be installed along Krings Street to replace the existing 4" waterline. The existing 6" waterline along Seanor Road is to be replaced with a new 6" waterline. Approximately 14,000 linear feet of water service lines will also be replaced as well as approximately 561 curb stop assemblies. This project also consists of the rehabbing the Jerome and Davidsville Pump Stations. The pump stations will receive new VFDs and related equipment, air release valves, air relief piping, new pumps, new motors, and have the valves replace

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

*Southwest Regional Office*

Applicant: **Oxford Development Company**

Applicant Address: 2545 Railroad Street, Suite 300, Pittsburgh, PA 15222

Application Number: **PAD020010**

Application Type: Major Amendment

Municipality/County: City of Pittsburgh, **Allegheny County**

Total Earth Disturbance Area (acres): 8.46 acres

Surface Waters Receiving Stormwater Discharges: Allegheny River (WWF)

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

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

Project Description: Redevelopment of an industrial facility for a mixed-use commercial development. The original submission included vegetated bump-outs for the primary stormwater BMP. The proposed revision utilizes a linear tree trench underdrain along two sides of Hopper Place.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

**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>
Denise and Dennis Staub Farm 904 Germany Road East Berlin, PA 17316	Adams County	29.0	553.71	Poultry Brooder and Finisher	NA	Renewal
Reinholds Pig Farm, LLC—Evan Augsburg 700 Swamp Church Road Reinholds, PA 17569	Lancaster County	22.5	715.66	Swine	NA	New

**PUBLIC WATER SUPPLY PERMITS**

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

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

public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

## SAFE DRINKING WATER

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

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

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

**Application No.** 5023510, Construction, Public Water Supply.

Applicant	<b>Newport Borough Water Authority</b>
Address	497 North Front Street Newport, PA 17074
Municipality	Oliver Township
County	<b>Perry County</b>
Responsible Official	Penny Frownfelter 497 North Front Street Newport, PA 17074
Consulting Engineer	Barton & Loguidice, DPC 3901 Hartzdale Drive Suite 101 Camp Hill, PA 17011
Application Received	June 13, 2023
Description	Application for the proposed reactivation of Well 1 and treatment technology changes and upgrades.

## 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 previously 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.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Matt's Service Station**, Primary Facility ID # **867004**, 1 Lonesome Road, Old Forge, PA 18518, Old Forge Borough, **Lackawanna County**. Quad 3 Group, 37 North Washington Street, Wilkes-Barre, PA 18701 on behalf of MMI Realty, LLC, 1 Lonesome Road, Old Forge, PA 18518, submitted a Notice of Intent to Remediate. Soil was contaminated with benzene from historic site operations. The Notice of Intent to Remediate was published in *The Scranton Times* on May 31, 2023. Application received: June 8, 2023.

**Bones Auto Parts**, Primary Facility ID # **866332**, 1110 Wilkes-Bare Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Keystone Environmental Health & Safety Services, 1111 12th Avenue, Altoona, PA 16601 on behalf of EG America, 165 Flanders Road, Wetborough, MA 01581, submitted a Notice of Intent to Remediate. Soil was contaminated with heating oil from an underground storage tank. The Notice of Intent to Remediate was published in *The Times Leader* on June 4, 2023. Application received: June 15, 2023.

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

*Contact: Chris, 724-598-2206.*

**Lakeland Chrysler Jeep Dodge Ram**, Primary Facility ID # **867171**, 31 Hadley Rd, Greenville, PA 16125, Hempfield Township, **Mercer County**. Moody and Associates, Inc., 11548 Cotton Rd, Meadville, PA 16335 on behalf of Sherman Family Enterprises of Greenville, LLC, 911 Clairton Blvd, Pittsburgh, PA 15236, submitted a Notice of Intent to Remediate. The Site is a nonresiden-

tial property currently operating as an automotive sales and service facility. The Site has historically been utilized as an automotive sales and service facility since at least the 1960s, and it is believed that constituents from historical undocumented releases from these historical uses are present in soil and groundwater at the Site. Constituents of concern for soil and groundwater contamination known at this time at the Site include: Metals, VOCs, SVOCs, and PCBs. The intended future use of the property will remain nonresidential as an automotive sales and service facility. The Notice of Intent to Remediate was published in *Greenville Newspapers, Inc.* on May 31, 2023. Application received: June 5, 2023.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

*Northeast Region: Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Roger Bellas, Environmental Program Manager, 570-826-2201.*

**WMGR028-NE012, New Enterprise Stone & Lime Co., Inc.,** P.O. Box 77, New Enterprise, PA 16664, North Whitehall Township, **Lehigh County.** An application for determination of applicability for coverage under general permit number WMGR028 for the beneficial use of asphalt plant baghouse fines as a soil additive at the Ormrod Hot Mix Asphalt Plant. Application received: June 6, 2023. Supplemental information: June 15, 2023. Deemed administratively complete: June 15, 2023.

Comments or questions concerning the application should be directed to Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

*Northwest Region: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.*

**WMGR123NW019, Highland Field Services, LLC,** Shawmut Grade PW Facility, 51 Zents Boulevard, Brookville, PA 15825, Sergeant Township, **McKean County.** Highland Field Services, LLC intends to install ten (10) produced water tanks at an existing developed pad to expand an existing oil and gas liquid water storage waste facility. The facility will consist of vehicle loading/unloading areas and a storage tank area within secondary containment. The produced water will be transported via truck to the site, stored in offload tanks and later sent for beneficial use to aid in the development of oil and gas well(s). Application received: June 14, 2023. Deemed administratively complete: June 16, 2023.

Comments or questions concerning the application should be directed to Christina S. Wilhelm, Regional Solid

Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

*Southcentral Region: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Carrie Fleming, Program Manager.*

**WMGM030SC003, Stoners Farm & Compost, LLC,** 3207 Bowman Road, Landisville, PA 17538, East Hempfield Township, **Lancaster County.** This application is for coverage under WMGM030 which authorizes the composting of yard waste at facilities between five and fifteen acres and beneficial use of the compost so produced. The waste streams accepted for composting are limited to non-liquid waste and the following categories of municipal waste: yard waste, leaf waste, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The beneficial uses of the finished compost approved in this permit are for marketing or distribution as soil substitute, soil conditioner, soil amendment, fertilizer or mulch. Application received: April 21, 2023. Deemed administratively complete: June 15, 2023.

Questions concerning the application should be directed to John L. Oren, P.E., Permits Chief, Waste Management Program, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

**WMGM019SC001, Rohrer's Quarry, Inc.,** 70 Lititz Road, Lititz, PA 17543, Penn Township, Warwick Township, **Lancaster County.** This application is for renewed coverage under WMGM019 for Rohrer's facility, located near the intersection of Lititz and Erb's Quarry Roads in Lititz, which authorizes the processing and beneficial use of the waste concrete and asphalt to produce a roadway construction material. The approved processing is limited to size reduction (i.e., crushing, grinding, screening, mixing) of the concrete and asphalt waste, prior to beneficial use as: (i) an aggregate, a sub-grade or a sub-base material for roadway construction, (ii) a construction material for compacted roadway shoulder applications covered with a sealer (i.e., a thin bituminous coating intended to limit the reclaimed asphalt pavement materials from washing and leaching), (iii) a roadway sub-base for roadway construction use, after being blended with other virgin aggregate, (iv) as an aggregate, a sub-grade or a sub-base material for driveways, sidewalks, embankments, storm sewer, sanitary pipe, parking areas, or roadway construction at new residential or commercial building construction sites owned or contracted by the

permittee, and/or distributed to wholesale outlets. Application received: April 17, 2023. Deemed administratively complete: June 15, 2023.

Questions concerning the application should be directed to John L. Oren, P.E., Permits Chief, Waste Management Program, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

## 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 Operat-

ing Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

### PLAN APPROVALS

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

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

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

**24-00197A: Diversified Production LLC, Longhorn Pad A**, 125 Industrial Road, Waynesburg, PA 15370, Horton Township, **Elk County**. Application received: June 15, 2022. The Department of Environmental Protection intends to issue a plan approval to Diversified Production LLC to provide authorization for the construction and initial operation of 4 engines used in electrical generation and cryptocurrency data mining operations at their existing Longhorn Pad A facility. This project would add equipment for a new process which is outside the scope of their current exemption. This facility and its existing sources will no longer be exempted. Operation of the proposed equipment would focus on electrical generation and cryptocurrency data mining operations and not unconventional natural gas well site operations or remote pigging. The proposed sources would be in addition to Diversified's existing equipment. No changes to the existing equipment is proposed. This project would install four Waukesha engines (each rated at 1,680 bhp) controlled by non-selective catalytic reduction technology. Potential emissions from all sources after completion of the project are estimated to be (tpy): 0.46 VOC, 12.31 NO<sub>x</sub>, 21.63 CO, 5.61 PM<sub>10</sub>, and 3.39 HAPs. This will be a natural minor facility upon completion of the project. Public notice is obligatory for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6940. In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Mead-

ville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [24-00197A: Diversified Production LLC] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region. Written comments or requests for a public hearing should be directed to Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

**43-00055A: Oldcastle APG Northeast Inc., Anchor Concrete Fredonia Plant**, 97 Main Street, Fredonia, PA 16124, Fredonia Borough, **Mercer County**. Application received: January 26, 2023. The Department of Environmental Protection intends to issue a plan approval for the installation and initial operation of a replacement bag house control device at their facility. This is an existing natural minor facility. It is a minor emitter of PM (Particulate Matter) emissions. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. Source 103, Rotary Drum Dryer, will receive the replacement control device. The current control device (Source ID C103) of Source 103 will be decommissioned. The new control device (Source ID C103A) will have an increased throughput from 12,000 ACFM (Actual Cubic Feet per Minute) to 15,000 ACFM. The new control device will also have an increase in the control efficiency up from 0.04 to 0.01 grain per dry standard cubic feet. The applicant estimates emissions of PM will be generated at a rate of 1.29 lbs/hr. This estimation assumes the control device's flow rate will be 15,000 ACFM and that the PM concentration will remain constant at 0.01 grain per dry standard cubic feet. Exhaust PM concentration will be limited to 0.01 grain per dry cubic feet. Applicant estimates the source will operate for a maximum of 8,760 hours per year. That operation duration would result in 5.63 tpy of PM emissions. The emission estimates and compliance with the emission restriction will be verified through the required stack testing. The proposed bag house will be equipped with a leak detection system. Fugitive emissions will be prohibited. Monitoring of the baghouse pressure drop will be required. Visible stack emissions will be prohibited. The quality of the filter media (bags) will be monitored through yearly inspections and the use of a triboelectric leak detection system. A copy of the control device manufacturer's operational and maintenance literature will be maintained onsite at all times. Records of all monitoring and maintenance will be kept. Spare bags and parts for monitoring systems will be kept on site. All excursions from normal operating values will be recorded and corrected as needed. A plan to resolve repeated excursions will be developed and implemented as needed. The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP

office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6940. In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [34-00055A: Oldcastle APG Northeast Inc.] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819. In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

*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.*

**09-0004B: Oliver Healthcare Packaging**, 905 Pennsylvania Blvd, Feasterville, PA 19053, Lower Southampton Township, **Bucks County**. Application received: January 27, 2023. A plan approval application was submitted for the installation of a flexographic printing press. The annual potential emissions from the press are 1.6 tons of VOC per 12-month rolling basis. The potential emissions include cleanup solvents. This plan approval includes monitoring, recordkeeping and work practice requirements designed to ensure this facility complies with all applicable air quality regulations. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

#### 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.**

*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.*

**59-00005, Eastern Gas Transmission & Storage, Inc.**, 6603 West Broad Street, Richmond, VA 23230, Clymer Township, **Tioga County**. Application received: September 22, 2022. The Department intends to issue a renewal Title V Operating Permit for the Sabinsville Compressor Station. The facility is currently operating

under Title V Operating Permit 59-00005. The facility's sources include one natural-gas-fired 25.7 million Btu per hour heater; 16 natural-gas-fired combustion units with a combined maximum heat input rating of 3.419 million Btu per hour; five 1,300 brake-horsepower natural-gas-fired engines; two 2,000 brake-horsepower natural-gas-fired engines; one 2,370 brake-horsepower natural-gas-fired engine controlled by an oxidation catalyst; one 5,810 brake-horsepower natural-gas-fired turbine controlled by an oxidation catalyst; eight 65 kilowatt micro-turbines; one 12.07 million Btu per hour natural-gas-fired salt bath heater; one 3.0 million Btu per hour natural-gas-fired boiler; one 576 brake-horsepower diesel-fired emergency engine; multiple storage tanks; gas blowdowns; engine transition vents; and miscellaneous sources determined to be of minor significance. The facility has potential annual emissions of 367.57 tons of carbon monoxide, 349.45 tons of nitrogen oxides, 0.80 ton of sulfur oxides, 15.49 tons of particulate matter including particulate matter less than 10 microns in size, 15.49 tons of particulate matter less than 2.5 microns in size, 122.14 tons of volatile organic compounds, 13.18 tons of hazardous air pollutants, and 103,261.92 tons of greenhouse gases. Revisions include replacing storage tanks with other tanks considered of minor significance, incorporating the 25.7 MMBtu/hr boiler that was authorized via GP1-59-00005A to replace an existing 25.2 MMBtu/hr boiler, and incorporating applicable RACT III requirements of 25 Pa. Code §§ 129.111–129.115. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 60 Subparts JJJJ, KKKK, and Dc; 40 CFR Part 63 Subparts ZZZZ, DDDDD, and YYYYY; and 25 Pa. Code Article III, Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**55-00005, Wood-Mode, LLC**, One 2nd St., Kreamer, PA 17833, Middlecreek Township, **Snyder County**. Application received: February 2, 2023. A Title V operating permit renewal for the Kreamer facility. In accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously-mentioned facility. This renewal will also incorporate the terms and conditions of General Plan Approval GP1-55-00005A. The subject facility has the following potential emissions: 90.73 TPY of CO; <100 TPY of NO<sub>x</sub>; 1.14 TPY of SO<sub>x</sub>; 800.65 TPY of PM/PM<sub>10</sub>; 215.07 TPY of VOCs; 76.78 TPY of total HAPs; and 42,313 TPY of CO<sub>2e</sub>. The facility's sources include one biomass boiler, two natural gas-fired boilers, various wood handling, working and finishing operations, various storage tanks, lumber drying, veneering and gluing operations, various emergency generator engines, all of which have the potential to emit particulate matter (PM/PM<sub>10</sub>), volatile organic compounds (VOCs) and hazardous air pollutant (HAP) emissions above the major emission thresholds. Revisions include incorporating applicable RACT III requirements of 25 Pa. Code §§ 129.111–129.115. 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 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Article III, Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

**OP21-000065, Temple University—Health Sciences Campus**, 3401 North Broad Street, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. Application received: November 17, 2021. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal of the Title V/State Operating Permit (TVOP) for the operation of a university facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources are three (3) boilers in the Central Steam Plant firing natural gas and No. 2 oil, of which one (1) rated 76.4 MMBtu/hr, and two (2) rated 89.98 MMBtu/hr each, one (1) rental boiler firing natural gas and No. 2 oil rated 94.7 MMBtu/hr, one (1) boiler firing natural gas and No. 2 oil rated 1.01 MMBtu/hr, one (1) boiler firing natural gas rated 1.137 MMBtu/hr, fifteen (15) emergency generators firing No. 2 oil/diesel, of which five (5) rated between 1,105 kW and 1,356 kW and ten (10) rated between 134 HP and 755 HP, one (1) emergency generator firing natural gas rated 680 HP, four (4) fire pumps firing No. 2 oil rated between 125 HP and 314 HP, and various storage tanks used to store fuel oil for boilers, emergency generators, and fire pumps. The facility is a major source of Nitrogen Oxides (NO<sub>x</sub>). As part of the TVOP renewal, AMS is making the following modifications to the Plan Approval No. IP20-000495 issued 12/01/2021: (1) changing the plan approval condition allowing the Rental Boiler to operate as a replacement for the Boilers CSP-B-01 and CSP-B-02 until the expiration of the Plan Approval No. IP20-000495 to allowing the Rental Boiler to operate as a replacement for the Boiler CSP-B-03 until the expiration of the renewal TVOP, and (2) adding the 40 CFR 60 Subpart Dc requirements to demonstrate compliance with the opacity standards for the Boilers CSP-B-04, CSP-B-05, and Rental Boiler by conducting opacity test while burning No. 2 oil and submitting a written site-specific monitoring plan for the boilers. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments, or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Managements Services,

321 University Ave., Philadelphia, PA 19104 or e-mailed to [DPHAMS\\_Service\\_Requests@phila.gov](mailto:DPHAMS_Service_Requests@phila.gov) with “Temple University—Health Sciences Campus OP21-000065” in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at [DPHAMS\\_Service\\_Requests@Phila.Gov](mailto:DPHAMS_Service_Requests@Phila.Gov) and/or 215-685-7572. Permit copies and other supporting information are available by contacting the Source Registration Unit at 215-685-7572 or emailing a request to the previously listed email address with the subject line.

### 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.*

**47-00010, Kurt Weiss Danville, LLC**, 233 PPL Road, Danville, PA 17821, Anthony Township, **Montour County**. Application received: October 30, 2022. The Department intends to issue a renewal of an Air Quality Operating Permit for the Washingtonville facility. The subject facility has the following potential emissions: 22.17 tons per year of carbon monoxide; 78.56 tons per year of nitrogen oxides; 0.85 ton per year of sulfur oxides; 23.19 tons per year of particulate matter; 1.14 tons of volatile organic compounds and 107,318 tons per year of carbon dioxide equivalent (greenhouses gases). The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boiler Area Sources, 40 CFR Part 63 Subpart JJJJJ Sections 63.11193—63.11237 and the applicable requirements of 25 Pa. Code Chapters 121—145. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. 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.

**41-00011, John Savoy & Son, Inc.**, P.O. Box 248, Montoursville, PA 17754, Montoursville Borough, **Lycoming County**. Application received: August 8, 2022. To issue a renewal State Only Operating Permit for the Montoursville Plant. The facility’s main sources include six paint spray booths, three UV coaters, a glue laminate operation, various natural gas-fired heaters and various woodworking equipment. The facility has potential emissions of 5.79 TPY of CO; 3.45 TPY of NO<sub>x</sub>; 0.04 TPY of SO<sub>x</sub>; 65.62 TPY of PM/PM<sub>10</sub>; 41.20 TPY of VOCs; 0.34 TPY HAPs; 8,291 TPY GHGs. The facility’s finishing operations are subject to 25 Pa. Code §§ 129.52 (surface coating processes) and 129.101—129.107 (wood furniture manufacturing operations). 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 regula-

tions. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department’s Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**17-00060, Rosebud Mining Company**, 301 Market St., Kittanning, PA 16201-9642, Huston Township, **Clearfield County**. Application received: December 16, 2022. For the State Only Operating Permit renewal authorization for their Lady Jane coal prep plant facility. The previously listed associated sources are comprised of the following: multiple coal prep processing equipment including rotary breakers, other crushers, screens and other wet coal handling equipment and permitted activities, Source IDs P101 and P102, as well as the other sources existing which include six (6) No. 2/diesel-fired belt heaters associated with Source ID P103, the parts washer associated with Source ID P104, and the coal screening plant equipped with its 100-hp diesel engine associated with Source ID P107. The type and quantity of pollutants emitted on a facility-wide basis are, as follows: 17 tons per year (tpy) of PM<sub>10</sub> (and PM<sub>2.5</sub>); 0.03 tpy of SO<sub>x</sub>; 1.6 tpy of NO<sub>x</sub>; 0.4 tpy of CO; 0.05 tpy of VOC; 0.01 TPY of HAPs; 55 TPY of PM; and 1,800 tpy CO<sub>2</sub>. There are minor facility changes over the permit cycle including reduced total annual hours of operation for the existing Source ID P107 coal screening operation less than equal to 100 hr/yr and other changes for the existing lime storage silo bin that is now being used to store lime in wet or slurry form. The existing sources P101 and P102 at the facility will continue to be subject to the applicable requirements as specified within 40 CFR Part subpart Y, relating to coal preparation and processing plants, and the existing sources P107 will continue to be subject to 40 CFR Part subpart ZZZZ, relating to national emission standards for hazardous air pollutants for stationary internal combustion engines. The State Only Permit renewal authorization incorporates the facility’s minor changes noted previously, along with all the applicable Federal and State air quality regulatory requirements including testing, monitoring, recordkeeping, reporting, work practice, other compliance requirements as necessary to verify compliance pursuant to the PA DEP air quality rules and regulations under 25 Pa. Code Article III, Chapters 121 and 145, relating to Air Resources. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP’s Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

**25-00501, Ellwood National Forge Corry**, 1 Front Street, Irvine, PA 16329-1801, City of Corry, **Erie County**. Application received: February 21, 2023. The Department intends to issue a modified State Only Natural Minor Operating Permit for the small steel forging facility. The modification includes a change in the fuel inputs and plan approval short term CO limits for the box furnaces due to burner upgrades. Other minor changes are also addressed during the modification.

Yearly potential-to-emit from the facility is unchanged. The modified permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

**OP23-000016, Comcast OTN, Office & Call Center**, 11400 Northeast Avenue, Philadelphia, PA 19116, City of Philadelphia, **Philadelphia County**. Application received: April 28, 2023. The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor Operating Permit (NMOP) for the operation of an office and call center in the City of Philadelphia, Philadelphia County. The facility's air emission sources include six diesel-fired emergency generators with ratings from 230 kilowatts to 1,111 kilowatts. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or [DPHAMS\\_Service\\_requests@phila.gov](mailto:DPHAMS_Service_requests@phila.gov). Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 321 University Ave., Philadelphia, PA 19104 or e-mailed to [DPHAMS\\_Service\\_Requests@phila.gov](mailto:DPHAMS_Service_Requests@phila.gov) with "Comcast OTN, Office & Call Center NMOP OP23-000016" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at [DPHAMS\\_Service\\_Requests@Phila.Gov](mailto:DPHAMS_Service_Requests@Phila.Gov) and/or 215-685-7572. Please include: (1) the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested.

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

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

**05-03023, Rolling Akers Crematory**, 944 Shuman Rd., Everett, PA 15537, West Providence Township, **Bedford County**. Application received: March 24, 2023. For the operation of a human crematory. Potential air emissions from the facility are estimated at 1.76 tpy CO; 2.11 tpy NO<sub>x</sub>; and less than 1 tpy of PM<sub>10</sub>, VOC, SO<sub>x</sub>, and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

*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.*

**23-00108, Barry Callebaut USA LLC**, 903 Industrial Hwy, Eddystone, PA 19022-1531, Eddystone Borough, **Delaware County**. Application received: November 16, 2022. This action is for the renewal of the State Only (synthetic Minor) Operating Permit. The company operates a cocoa bean processing plant, where cocoa bean nibs are processed into cocoa liqueur, cocoa powder, and/or cocoa butter. The facility has a natural gas-fired boiler rated at 20.16 MMBtu/hr, a 250-kW diesel fuel-fired emergency generator, the pre-roasting process, two (2) natural gas-fired roasters and two (2) nib grinding lines. This facility has the potential to emit 9.28 tons nitrogen oxides per year; 0.25 ton sulfur dioxides per year; 12.21 tons particulate matter per year; and 14.63 tons volatile organic compounds per year. The renewed permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at [RA-EPSEROAQPUBCOM@pa.gov](mailto:RA-EPSEROAQPUBCOM@pa.gov).

**46-00267, Flexential Corporation**, 1000 Black Rock Road, Collegetown, PA 19426, Upper Providence Township, **Montgomery County**. Application received: December 15, 2021. This action is for the renewal of a State Only Synthetic Minor Operating Permit. The facility provides information technology support services to a data center which requires the operation of No. 2 fuel oil/diesel-fired internal combustion engines/electric generators to provide backup emergency power if the main power supply to the data center is interrupted. Additionally, units may be used for multiple purposes, including peak shaving, load shedding, electric curtailment programs, maintenance, and periodic readiness testing. The facility is limited to 187,740 gallons per year of No. 2 fuel oil/diesel. Potential emissions from the facility are 4.46 tons of CO; 22.8 tons of NO<sub>x</sub>; 0.25 ton of PM<sub>10</sub>/PM<sub>2.5</sub>, and 1.57 tons of VOC emissions. Compliance with the emissions limitations are on a 12-month rolling sum basis. This Operating Permit renewal includes emission restrictions, monitoring, recordkeeping and work practice requirements designed to ensure this facility complies with all applicable air quality regulations. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at [RA-EPSEROAQPUBCOM@pa.gov](mailto:RA-EPSEROAQPUBCOM@pa.gov).

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

Mining activity permits issued in response to such applications are also subject to applicable permitting

requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

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

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

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

#### *Coal Applications*

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

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

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

*Contact: Bonnie Herbert, Clerical Assistant 3.*

**Mining Permit No. 32061302. NPDES No. PA0235768. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Young Township, Indiana County.** To renew the permit and related NPDES permit. Application received: March 31, 2023. Accepted: June 1, 2023.

**Mining Permit No. 32201301. NPDES No. PA0236543. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Armstrong, Rayne, Washington and White Townships, Indiana County.** To revise the permit and related NPDES permit to revise location of coal handling yard, minor site configurations, remove sediment pond 3, increase sediment pond A and revise outfall 003. Application received: April 14, 2023. Accepted: June 14, 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

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

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

*Contact: Cassie Stanton, Clerical Assistant 2.*

**Mining Permit No. 08970302 & Mining Permit No. 08120302. NPDES No. PA0237868. Bishop Brothers Construction Company, Inc., 1376 Leisure Drive, Towanda, PA 18848, Sheshequin Township, Bradford County.** Renewal of an NPDES permit associated with small noncoal (industrial minerals) mining sites affecting 261 acres. Receiving stream(s): Susquehanna River classified for the following use(s): WWF, MF. Application received: June 12, 2023. Accepted: June 15, 2023.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

*Coal NPDES Draft Permits*

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

*Contact: Tracy Norbert, RA-EPNEWSTANTON@pa.gov.*

**NPDES No. PA0278556. Mining Permit No. Government Financed Contract Number 26-22-01. Fayette Coal & Coke, Inc.,** 195 Enterprise Dr, Connellsville, PA 15425, Franklin Township, **Fayette County.** NPDES permit application at a Government Financed Construction Contract site, affecting 42.8 acres (former mining area) on a 51.7-acre permit. Receiving stream: Bolden Run, classified for the following use: WWF. The receiving stream is subject to the Redstone Creek Total Maximum Daily Load. The first downstream potable water supply intake from the permit is PWS 5260014, Newell Municipal Authority, located over ten miles from the permit, and with an intake on the Monongahela River. Application received: October 3, 2022.

The following effluent limits apply to the following Mine Drainage Treatment Outfall(s): 002

<i>Parameter (units in mg/L unless otherwise noted)</i>	<i>Minimum</i>	<i>Effluent Limitations</i>			<i>Instant. Maximum</i>	<i>Monitoring Requirements</i>	
		<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>		<i>Minimum Measure- ment Frequency</i>	<i>Required Sample Type</i>
pH (S.U.)	6.0	N/A	N/A	9.0	2/month	Grab	
Total Suspended Solids	N/A	35.0	70.0	9.0	2/month	Grab	
Alkalinity, Total (as CaCO <sub>3</sub> )	Report	2/month	Grab				
Acidity, Total (as CaCO <sub>3</sub> )	Report	2/month	Grab				
Net Alkalinity, Total (as CaCO <sub>3</sub> )	0.0	N/A	N/A	N/A	2/month	Calculation	
Iron, Total	N/A	1.5	3.0	3.7	2/month	Grab	
Aluminum, Total	N/A	0.75	0.75	0.75	2/month	Grab	
Manganese, Total	N/A	1.0	2.0	5.0	2/month	Grab	
Flow (gpm)	Report	2/month	Measured				
Sulfate	Report	2/month	Grab				

Parameter (units in mg/L unless otherwise noted)	Minimum	Effluent Limitations			Monitoring Requirements	
		Average Monthly	Daily Maximum	Instant. Maximum	Minimum Measure- ment Frequency	Required Sample Type
Specific Conductivity (µmhos/cm)	Report	2/month	Grab			
Temperature (°C)	Report	2/month	Measured			

The following effluent limits apply to the following Stormwater Control Outfall(s): 001

Parameter (units in mg/L unless otherwise noted)	Minimum	Effluent Limitations			Monitoring Requirements	
		Average Monthly	Daily Maximum	Instant. Maximum	Minimum Measure- ment Frequency	Required Sample Type
pH (S.U.)	6.0	N/A	N/A	9.0	2/month	Grab
Total Suspended Solids	N/A	35.0	70.0	9.0	2/month	Grab
Alkalinity, Total (as CaCO <sub>3</sub> )	Report	2/month	Grab			
Acidity, Total (as CaCO <sub>3</sub> )	Report	2/month	Grab			
Net Alkalinity, Total (as CaCO <sub>3</sub> )	0.0	N/A	N/A	N/A	2/month	Calculation
Iron, Total	N/A	1.5	3.0	3.7	2/month	Grab
Aluminum, Total	N/A	0.75	0.75	0.75	2/month	Grab
Manganese, Total	N/A	1.0	2.0	5.0	2/month	Grab
Flow (gpm)	Report	2/month	Measured			
Sulfate	Report	2/month	Grab			
Specific Conductivity (µmhos/cm)	Report	2/month	Grab			
Temperature (°C)	Report	2/month	Measured			

*Noncoal NPDES Draft Permits*

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

Contact: RA-EPPottsvilleDMO@pa.gov.

**NPDES No. PA0226343. Mining Permit No. 58222522. Jorge Armando Tobon**, 334 Alexander Road, New Milford, PA 18834, Jackson Township, **Susquehanna County**. Renewal of an NPDES permit affecting 4 acres. Receiving stream: UNT to Salt Lick Creek, classified for the following uses: HQ-CWF, MF. The operation does not discharge to waters of the Commonwealth. Application received: December 2, 2022.

**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)).**

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

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

**E2301223-002. Westlake Plastics, Co**, 490 Lenni Road, Lenni, PA 19052, Chester Heights Borough, **Delaware County**. U.S. Army Corps of Engineers Philadelphia District. Application received: June 2, 2023.

Westlake Plastics is proposing to construct an addition onto the existing main plant/manufacturing facility building in the vicinity of two (2) existing small areas of wetland (Palustrine Emergent, PEM) pockets on the west side of the main manufacturing building, resulting in 193 linear feet (2,023 sq ft, 0.05 acre) of permanent wetland impact. Westlake Plastics is proposing to fill the two (2) existing wetlands in order to construct the building addition. This project is located in Lenni, PA 19052, owned and maintained by the Westland Plastics, Co., Delaware County, Chester Heights Borough, PA (USGS PA Quadrangle). Latitude: 39.893967°, Longitude: -75.451666°.

**E4601223-005. Borough of Hatboro**, 414 South York Road, Hatboro, PA 19040, Hatboro Borough, **Montgom-**

**ery County.** U.S. Army Corps of Engineers Philadelphia District. Application received: February 15, 2023.

The Borough of Hatboro is proposing to install the following improvements to Miller Meadow Park within the floodplain and FEMA mapped floodway of Pennypack Creek tributary (TSF, MF): 1) Parking lot installation; 2) Underground infiltration Basin; 3) Trail amenities; and 4) Landscaping. The previously listed proposed project activities will result in 8,400 sq ft (0.19 acre) of permanent and temporary impact to floodway and total area disturbance of 28,700 sq ft (0.65 acre) within the 100-year floodplain. The project will not result in a net fill and will have no adverse impact on the 100-year flood elevation. This project is located in Montgomery County, Borough of Hatboro, PA (USGS PA Quadrangle). Latitude: 40.170917°, Longitude: -75.109861°.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake, Program Manager.*

**E6505123-007. PennDOT District 12-0,** 825 North Gallatin Avenue Ext, Uniontown, PA 15401, Rostraver Township, **Westmoreland County.** U.S. Army Corps of Engineers Pittsburgh District. Application received: May 11, 2023.

The applicant proposes to: Remove the existing, 4.5' wide, 2' high, 34' long, reinforced concrete slab bridge, and to construct and maintain a replacement, 68" by 43", 78' long, RC elliptical pipe Culvert, in Speers Run (WWF), and to construct and maintain stream bank protection along 40 LF on the downstream side, of the proposed culvert. Cumulatively, the project will have a permanent impact of 122 LF, and a temporary impact of 158 LF, on Speers Run (WWF). For the purpose of replacing the structure carrying SR 3009 over Speers Run (WWF). The project site is located near the intersection of Martin Road and Lenity School (Donora, PA USGS topographic quadrangle; N: 40°, 09', 35.71"; W: -79°, 50', 29.63"; Sub-basin 19C) Latitude: 40° 09' 35.71", Longitude: -79° 50' 29.63".

**E6305123-004. PennDOT District 12-0,** 825 North Gallatin Avenue Ext, Uniontown, PA 15401, Buffalo Township, **Washington County.** U.S. Army Corps of Engineers Pittsburgh District. Application received: May 19, 2023.

The applicant proposes to: 1. Remove the existing, 8' wide, 6' high, 19.97' long, reinforced concrete slab bridge, and to construct and maintain a replacement, 10' wide, 6' high, 32' long Precast Box Culvert, with end sections, in UNT to Buffalo Creek (HQ-WWF), and to construct and maintain stream bank protection along 7 LF on the upstream side of the proposed culvert. 2. Construct and maintain 177 LF of streambank protection along the Buffalo Creek (HQ-WWF). For the purpose of replacing the structure carrying SR 3009 over UNT to Buffalo Creek. The project will have 47 LF of permanent impact, and 88 LF of temporary impact, to UNT to Buffalo Creek, and 177 LF of permanent impact, and 202 LF of temporary impact, to Buffalo Creek. The project site is located near the intersection of Sperring Lane and S Sunset Beach Road (Prosperity, PA USGS topographic quadrangle; N: 40°, 7', 8.6837"; W: -80°, 21', 45.3047"; Sub-basin 20D) Latitude: 40° 7' 8.6837", Longitude: -80° 21' 45.3047".

**E0205223-001. Presto Volunteer Fire Department,** 5228 Thomas Run Road, Collier, PA 15142, Collier Town-

ship, **Allegheny County.** U.S. Army Corps of Engineers Pittsburgh District. Application received: January 16, 2023.

The applicant proposes to: Construct, operate and maintain a garage addition to the Presto Voluntary Fire Department. Building construction will impact 132 square feet of floodway to Chartiers Creek (WWF). Construct, operate and maintain a 7-foot-wide stormwater outfall and 22 x 28 outlet protection within Charities Creek floodway. Excavate 121 cubic yards of fill along the left descending bank of Chartiers Creek. For the purpose of constructing a garage addition for new fire truck storage and firefighter living space. The total earth disturbance for the project is 0.25 acre, with approximately 0.13 acre of impact within the floodway of Chartiers Creek. The project site is located at 5228 Thoms Run Road (Bridgeville, PA USGS topographic quadrangle; N: 40°, 22', 21.72"; W: -80°, 07', 10.56"; Sub-basin 20F) Latitude: 40° 22' 21.72", Longitude: -80° 07' 10.56".

**E6305222-012. Maronda Homes, Inc.,** 11 Timberglen Dr, Imperial, PA 15126, North Fayette Township, **Allegheny County.** U.S. Army Corps of Engineers Pittsburgh District. Application received: June 13, 2023.

The applicant proposes to: Construct and maintain:

1. A stream enclosure consisting of 169 linear feet (LF) of 12' wide by 9.5' tall concrete box culvert to carry Watercourse A, an unnamed tributary (UNT) to Millers Run (WWF), under a constructed road crossing, impacting 169 LF of Watercourse A and 22,984 square feet (SF) of its floodway;

2. Four (4) utility line crossings of Watercourse A, to provide utility services to the proposed development, impacting a total of 16 LF of Watercourse A and 208 SF of its floodway. These utility lines include one (1) 3" natural gas line, one (1) 15" stormwater pipe, one (1) 3" electrical conduit, and one (1) 8" potable water line;

3. Fill in association with an access road and wingwall, impacting 4,446 SF of Watercourse A's floodway;

4. A stream enclosure consisting of 232 LF of 48" diameter SLCPP pipe to carry Watercourse E, a UNT to a UNT to Millers Run (WWF), under a constructed road crossing, impacting 232 LF of Watercourse E and 12,528 SF of its floodway. At the point of impact Watercourse E has less than a 100-acre upstream drainage area;

5. Five (5) utility line crossings of Watercourse E to provide utility services to the proposed development, impacting a total of 20 LF of Watercourse E and 80 SF of its floodway. These utility lines include one (1) 3" natural gas line, one (1) 48" stormwater pipe, one (1) 3" electrical conduit, one (1) 8" potable water line, and one (1) 8" sanitary sewerage line. At the location of these impacts, Watercourse E has less than a 100-acre upstream drainage area;

6. Fill within 55 LF of an area of Watercourse E, with less than a 100-acre upstream drainage area and 55 SF of its floodway as a result of lot grading;

7. A culvert consisting of 6 LF of 15" SLCPP pipe, to carry Watercourse M, a UNT to a UNT of Millers Run (WWF), with less than a 100-acres drainage area, under an asphalt walking trail, impacting 6 LF of Watercourse M and 144 SF of its floodway;

8. Fill within 36 LF of Watercourse D, a UNT to a UNT of Millers Run (WWF), with less than a 100-acre upstream drainage area, and 180 SF of its floodway as a result of road construction;

9. Fill within 70 LF of Watercourse G, a UNT a UNT of Millers Run (WWF), with less than a 100-acre upstream drainage area, and 70 SF of its floodway as a result of lot grading.

10. Fill within 7 LF of Watercourse N, a UNT to a UNT to Millers Run (WWF), with less than a 100-acre upstream drainage area, and 14 SF of its floodway as a result of lot grading;

For the purpose of constructing 242 new single-family housing units and associated facilities. Cumulatively, the project will permanently impact approximately 611 LF of watercourses (426 LF of which will be to watercourses with a drainage area of less than 100 acres). In addition, the project will cumulatively and permanently impact approximately 40,673 SF of floodways (13,035 SF of which will be within floodways along watercourses with a drainage area less than 100 acres). To compensate for unavoidable impacts to aquatic resources, the applicant is proposing to purchase credits from the Department's In-Lieu Fee Program. The project site is located on the western side of Reissing Road, across from its intersection with South Fayette Way (Canonsburg, PA USGS topographic quadrangle; 40° 20' 8" N, -80° 11' 45" W; Sub-basin 20F) Latitude: 40° 20' 8", Longitude: -80° 11' 45".

**E0205222-030. Kossman Development Company,** Eleven Parkway Center, Pittsburgh, PA 15220, Robinson Township, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 10, 2022.

The applicant proposes to: Construct and maintain a solar panel within and across a de minimis amount of Wetland C (PEM) (0.03 acre), in association with the development of a solar farm, in an unused parking lot behind the Omega corporate office building. A foundation support for this solar panel, consisting of reinforced concrete, will permanently impact 16 ft<sup>2</sup> of wetland. This solar panel will, also, partially cover 1,160 ft<sup>2</sup> of this small wetland. The project site is located at 1000 Omega Drive, Pittsburgh, PA 15205 (Pittsburgh West, PA USGS topographic quadrangle; N: 40°, 15', 51.44"; W: -80°, 04', 19.48"; Sub-basin 20F) Latitude: 40° 15' 51.44", Longitude: -80° 04' 19.48".

**E2605123-002. PennDOT District 12-0,** 825 North Gallatin Avenue Ext, Uniontown, PA 15401, Brownsville Township, **Fayette County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 30, 2023.

The applicant proposes to: 1. Construct a temporary causeway, and to remove the existing 81.79 by 36.5' simple span cast-iron bridge, having a temporary impact of 45 LF to Dunlap Creek (WWF). 2. Construct and maintain a replacement 81.79 by 25' Simple Span Cast-Iron Elliptical Arch bridge, having a permanent impact of 25 LF to Dunlap Creek (WWF). 3. Construct and maintain 96' by 10.17' steel plate girder single span pedestrian bridge approximately 15 ft upstream to aforementioned existing bridge, having a permanent impact of 10.17 LF to Dunlap Creek (WWF). 4. Construct and maintain 13' x 10' stormwater outfalls, having a permanent impact of 10 LF, to Dunlap Creek (WWF). For the purpose of replacing a structure, carrying SR 4003 over the Dunlap Creek. The project will have approximately 45.17 LF of permanent, and approximately 290 LF of temporary to Dunlap Creek. The project site is located near the intersection of Bank Street and Market

Street (California, PA USGS topographic quadrangle; N: 40°, 1', 17.6521"; W: -79°, 53', 16.5550"; Sub-basin 19G) Latitude: 40° 1' 17.6521", Longitude: -79° 53' 16.5550".

#### **EROSION AND SEDIMENT CONTROL**

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

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

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

ESCGP-3 # **ESCP #**

Applicant Name **Hyperion Midstream LLC**

Contact Person Brian Dillemath, (724) 754-0110,

bdillemath@olympusenergy.com

Address Wilderness Road

City, State, Zip Trafford, PA 15085

Township(s) Penn Township

County **Westmoreland County**

Receiving Stream(s) and Classification(s) UNTs to Trib 37358 to Lyons Run, Trib. 37358 to Lyons Run, Lyons Run. Lat 40.396667, Long -79.678349. Ch. 93 Class; TSF

Application received: June 15, 2023

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**ACTIONS**

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**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](http://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 &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD060026	Chapter 102 Individual NPDES Permit	Issued	Berks County Ind Development Authority 633 Court Street Fl 14 Reading, PA 19601	Bern Township Berks County	SCRO
PAD060073	Chapter 102 Individual NPDES Permit	Issued	PA DOT Engineering District 5 0 1002 Hamilton Street Allentown, PA 18101-1013	Maidencreek Township Berks County	SCRO
PAD060075	Chapter 102 Individual NPDES Permit	Issued	2000 Perkiomen Ave LLC 503 Hanley Lane Downingtown, PA 19335	Robeson Township Berks County	SCRO
PAD060081	Chapter 102 Individual NPDES Permit	Issued	Spring Township Berks County 2850 Windmill Road Sinking Spring, PA 19608-1668	Wyomissing Borough Berks County	SCRO
PAD060082	Chapter 102 Individual NPDES Permit	Issued	Wawa Inc. 901 S Bolmar Street West Chester, PA 19382-4550	Reading City Berks County	SCRO
PAD150089	Chapter 102 Individual NPDES Permit	Issued	DL Charlestown LP 1 Fayette Street Suite 175 Conshohocken, PA 19428-2064	Charlestown Township Chester County	SERO
PAD150290	Chapter 102 Individual NPDES Permit	Issued	Upward Investments LLC 4960 Horseshoe Pike Honey Brook, PA 19344-1361	Honey Brook Township Chester County	SERO
PAD180011	Chapter 102 Individual NPDES Permit	Issued	Nicholas Meat LLC 508 E Valley Road Loganton, PA 17747-9207	Greene Township Clinton County	NCRO
PAD230012	Chapter 102 Individual NPDES Permit	Issued	City of Philadelphia Division of Aviation Terminal E 3rd Floor Philadelphia, PA 19153	Tinicum Township Delaware County	SERO
PAD390009	Chapter 102 Individual NPDES Permit	Issued	Cedar Fair LP 3830 Dorney Park Road Allentown, PA 18104-5803	South Whitehall Township Lehigh County	NERO
PAD450175	Chapter 102 Individual NPDES Permit	Issued	John E Marshall 348 Bethel School Road Honesdale, PA 18431-3031	Pocono Township Monroe County	NERO
PAD460036	Chapter 102 Individual NPDES Permit	Issued	Penndot 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Whitpan Township Montgomery County	SERO
PAD580011	Chapter 102 Individual NPDES Permit	Issued	PA DOT Engineering District 4 0 55 Keystone Industrial Park Road Dunmore, PA 18512-1516	Great Bend Borough Susquehanna County	NERO
PAD640038	Chapter 102 Individual NPDES Permit	Issued	Wayne Highland School District 474 Grove Street Honesdale, PA 18431-1047	Honesdale Borough Wayne County	NERO
PAS203505	Industrial Stormwater Individual NPDES Permit	Issued	Lane Enterprises Inc. 3905 Hartzdale Drive Suite 514 Camp Hill, PA 17011-7837	Middlesex Township Cumberland County	SCRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0097624	Industrial Waste Individual NPDES Permit, Minor	Issued	Glassmere Fuel Service Inc. P.O. Box 187 Curtisville, PA 15032-0187	West Deer Township Allegheny County	SWRO
0623804	Joint DEP/PFBC Pesticides Permit	Issued	Markovich Jane 369 Donne Road Hamburg, PA 19526-8108	Windsor Township Berks County	SCRO
0913812	Joint DEP/PFBC Pesticides Permit	Issued	Riverwoods CA 975 Easton Road Suite 202 Warrington, PA 18976-1858	New Hope Borough Bucks County	SERO
0913928	Joint DEP/PFBC Pesticides Permit	Issued	The Villa at Chancellors Glen 68 Cabot Boulevard Langhorne, PA 19047	Bensalem Township Bucks County	SERO
0914820	Joint DEP/PFBC Pesticides Permit	Issued	Delancey Court of Newtown 975 Easton Road Suite 102 Warrington, PA 18976-1858	Newtown Township Bucks County	SERO
0923803	Joint DEP/PFBC Pesticides Permit	Issued	Wilkes Charlotte 1958 Sweetbriar Road Ottsville, PA 18942-9551	Bedminster Township Bucks County	SERO
0923805	Joint DEP/PFBC Pesticides Permit	Issued	Diamond Ridge Camp 1702 Yost Road Blue Bell, PA 19422-3636	Warwick Township Bucks County	SERO
0923806	Joint DEP/PFBC Pesticides Permit	Issued	Ferello Christine 15 Brook Drive Furlong, PA 18925-1038	Doylestown Borough Bucks County	SERO
1023815	Joint DEP/PFBC Pesticides Permit	Issued	Thomas McKay 115 Wiegand Drive Cranberry Township, PA 16066-3007	Cranberry Township Butler County	NWRO
1023817	Joint DEP/PFBC Pesticides Permit	Issued	Karen Vecchi 415 Edgewood Drive Sarver, PA 16055-9266	Buffalo Township Butler County	NWRO
1513875	Joint DEP/PFBC Pesticides Permit	Issued	Leopard Lakes Farms Inc. P.O. Box 268 Berwyn, PA 19312-0268	Easttown Township Chester County	SERO
1513886	Joint DEP/PFBC Pesticides Permit	Issued	Chester County Water Resource Authority P.O. Box 2747 601 Westtown Road West Chester, PA 19380-0990	Newlin Township Chester County	SERO
1523825	Joint DEP/PFBC Pesticides Permit	Issued	West Chester Golf & CC 111 W Ashbridge Street West Chester, PA 19380-2301	West Chester Borough Chester County	SERO
1523826	Joint DEP/PFBC Pesticides Permit	Issued	England Joe 601 Woods Road Oxford, PA 19363-4414	East Nottingham Township Chester County	SERO
1523828	Joint DEP/PFBC Pesticides Permit	Issued	Charlton Debbie 12 Kotobuki Lane Landenberg, PA 19350-9569	Franklin Township Chester County	SERO
2019812	Joint DEP/PFBC Pesticides Permit	Issued	Bob Joyce 15319 Windfall Road Titusville, PA 16354	Oil Creek Township Crawford County	NWRO
2023802	Joint DEP/PFBC Pesticides Permit	Issued	Ralf Gross 41377 Magee Road Centerville, PA 16404	Rome Township Crawford County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2513818	Joint DEP/PFBC Pesticides Permit	Issued	Union City Borough Municipal Authority Erie County 29 S Main Street Union City, PA 16438-1331	Union City Borough Erie County	NWRO
3723801	Joint DEP/PFBC Pesticides Permit	Issued	Travis Hohmann 824 Gerber Road Slippery Rock, PA 16057-6002	Plain Grove Township Lawrence County	NWRO
4018801	Joint DEP/PFBC Pesticides Permit	Issued	Wilkes-Barre City Luzerne County 40 E Market Street Wilkes-Barre, PA 18711-0454	Wilkes-Barre City Luzerne County	NERO
4123801	Joint DEP/PFBC Pesticides Permit	Issued	Montoursville Borough Lycoming County 617 N Loyalsock Avenue Montoursville, PA 17754-1321	Montoursville Borough Lycoming County	NCRO
4613860	Joint DEP/PFBC Pesticides Permit	Issued	Woodbridge Meadows Assoc 5 Mill Race Spring House, PA 19477-1103	Lower Gwynedd Township Montgomery County	SERO
4613897	Joint DEP/PFBC Pesticides Permit	Issued	Lemole Gerald 2771 Philmont Avenue Huntingdon Valley, PA 19006-5303	Lower Moreland Township Montgomery County	SERO
4617815	Joint DEP/PFBC Pesticides Permit	Issued	Foxcroft HOA 1800 Tournament Drive Blue Bell, PA 19422	Whitpain Township Montgomery County	SERO
4623804	Joint DEP/PFBC Pesticides Permit	Issued	Upper Dublin Township Montgomery County 801 Loch Alsh Avenue Fort Washington, PA 19034-1651	Upper Dublin Township Montgomery County	SERO
4623806	Joint DEP/PFBC Pesticides Permit	Issued	McCarthy Duane 130 Skippack Pike Fort Washington, PA 19034-1101	Whitemarsh Township Montgomery County	SERO
4623807	Joint DEP/PFBC Pesticides Permit	Issued	Tancredi John F 606 Cedar Hill Road Ambler, PA 19002-1504	Horsham Township Montgomery County	SERO
4623808	Joint DEP/PFBC Pesticides Permit	Issued	Brackin Phillip 2222 Trenton Road Levittown, PA 19056-1400	Ambler Borough Montgomery County	SERO
4816801	Joint DEP/PFBC Pesticides Permit	Issued	Ciociola Mike P.O. Box 276 Martins Creek, PA 18063-0276	Lower Mount Bethel Township Northampton County	NERO
5113802	Joint DEP/PFBC Pesticides Permit	Issued	Torresdale Frankford CC 3801 Grant Avenue Philadelphia, PA 19114-2720	Philadelphia City Philadelphia County	SERO
5217802	Joint DEP/PFBC Pesticides Permit	Issued	O'Keefe Thomas 121 Deep Hollow Lane Dingmans Ferry, PA 18328	Delaware Township Pike County	NERO
5813828	Joint DEP/PFBC Pesticides Permit	Issued	PA American Water Co. 100 N Pennsylvania Avenue Wilkes-Barre, PA 18701-3503	Harmony Township Susquehanna County	NERO
5813829	Joint DEP/PFBC Pesticides Permit	Issued	PA American Water Co. 100 N Pennsylvania Avenue Wilkes-Barre, PA 18701-3503	Bridgewater Township Susquehanna County	NERO
1505412	Land Application and Reuse of Sewage Individual WQM Permit	Issued	London Britain Township Chester County P.O. Box 215 Kemblesville, PA 19347-0215	London Britain Township Chester County	SERO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAI133532	MS4 Individual NPDES Permit	Issued	North Middleton Township Cumberland County 2051 Spring Road Carlisle, PA 17013	North Middleton Township Cumberland County	SCRO
PAI133536	MS4 Individual NPDES Permit	Issued	Antrim Township Franklin County 10655 Antrim Church Road P.O. Box 130 Greencastle, PA 17225-9577	Antrim Township Franklin County	SCRO
PA0024121	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Upper Providence Township Delaware County	SERO
WQM1805201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Schrack Farms Partnership 860 W Valley Road Loganton, PA 17747-8935	Logan Township Clinton County	NCRO
PA0001759	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Omnova North American Inc. 1175 Harrelson Boulevard Myrtle Beach, SC 29577-4894	Jeannette City Westmoreland County	SWRO
PA0021741	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Borough of Dublin 119 Maple Avenue Dublin, PA 18917-2403	Bedminster Township Bucks County	SERO
46614	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Omnova North American Inc. 1175 Harrelson Boulevard Myrtle Beach, SC 29577-4894	Jeannette City Westmoreland County	SWRO
4000401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Nescopeck Borough Luzerne County 501 Raber Avenue Nescopeck, PA 18635-1101	Nescopeck Borough Luzerne County	NERO
6616402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Camp Morasha Inc. 274 High Lake Road Lakewood, PA 18439	Buckingham Township Wayne County	NERO
NOEXNW179	No Exposure Certification	Issued	Osram Sylvania Inc. 816 Lexington Avenue Warren, PA 16365-2834	Warren City Warren County	NWRO
NOEXNW230	No Exposure Certification	Issued	Diversified Coatings Inc. 224 River Road Ridgway, PA 15853-2138	Ridgway Township Elk County	NWRO
NOEXSE308	No Exposure Certification	Issued	USPS 1000 W Valley Road Southeastern, PA 19399-9000	Tredyffrin Township Chester County	SERO
PAG032214	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	J B Hunt Transportation Inc. 705 A North Bloomington Lowell, AR 72745	Bethlehem City Lehigh County	NERO

## NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG032215	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	A Duie Pyle Inc. P.O. Box 564 650 Westtown Road West Chester, PA 19381-0564	Pittston Township Luzerne County	NERO
PAG032337	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Multi-Plastics Extrusions Inc. 600 Dietrich Avenue Hazleton, PA 18201-7754	Hazleton City Luzerne County	NERO
PAG032363	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	First Student Inc. 600 Vine Street Suite 1400 Cincinnati, OH 45202	Moore Township Northampton County	NERO
PAG032374	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Masters RMC Inc. 9495 Main Street P.O. Box 25 Kingsley, PA 18826-6728	Harford Township Susquehanna County	NERO
PAG033837	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	East Penn Manufacturing Co. P.O. Box 147 Lyon Station, PA 19536-0147	Kutztown Borough Berks County	SCRO
PAG033950	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Durham School Service LP 2601 Navistar Drive Lisle, IL 60532-3679	Robeson Township Berks County	SCRO
PAG036368	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	US Army Reserve 99th Readiness Division 5231 S Scott Plaza Jb Mdl, NJ 08640-5062	Richland Township Cambria County	SWRO
PAG036385	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kiefer Coal & Supply Co. 5088 W Library Avenue Bethel Park, PA 15102-2732	Bethel Park Borough Allegheny County	SWRO
PAG036406	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	First Student Inc. 110 Perimeter Park Road Suite E Knoxville, TN 37922-2247	Sewickley Borough Allegheny County	SWRO
PAG036416	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Smithfield Packaged Meats Corp 2200 Rivers Edge Drive Arnold, PA 15068-4540	New Kensington City Westmoreland County	SWRO
PAG036434	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Patterson-Uti Drilling Company LLC 10713 W Sam Houston Parkway N Suite 800 Houston, TX 77064-3583	Perry Township Greene County	SWRO
PAG036437	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	First Student Inc. 110 Perimeter Park Road Suite E Knoxville, TN 37922-2247	Rices Landing Borough Greene County	SWRO
PAG046356	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Snyder Mary and David 396 Burnsville Ridge Road Claysville, PA 15323-1125	West Finley Township Washington County	SWRO
PAG103589	PAG-10 NPDES General Permit for Hydrostatic Test Water	Issued	Texas Eastern Trans LP 11 E Superior Street Duluth, MN 55802-2007	Todd Township Huntingdon County	SCRO
PAG123709	PAG-12 NPDES General Permit for CAFOs	Issued	Hoover Phillip 2862 Harvest Road Elizabethtown, PA 17022-9676	Mount Joy Township Lancaster County	SCRO

**NOTICES**

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123814	PAG-12 NPDES General Permit for CAFOs	Issued	We Kings Farm LLC 6028 Guinter Road Greencastle, PA 17225	Antrim Township Franklin County	SCRO
PAG124870	PAG-12 NPDES General Permit for CAFOs	Issued	Rushtown Poultry LLC 90 Court Street Bethel, PA 19507	Rush Township Northumberland County	SCRO
5473419	Pump Stations Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 1 Aqua Way White Haven, PA 18661-1115	North Union Township Schuylkill County	NERO
PA0265195	Single Residence STP Individual NPDES Permit	Issued	Ashley and Eric Brumett 9661 W Law Road North East, PA 16428-3741	North East Township Erie County	NWRO
PA0265292	Single Residence STP Individual NPDES Permit	Issued	Hogue David 230 Pine Drive Butler, PA 16002	Summit Township Butler County	NWRO
PA0265594	Single Residence STP Individual NPDES Permit	Issued	Hawthorne Allen 1024 Mission Drive Erie, PA 16509-2968	Franklin Township Erie County	NWRO
PA0291340	Single Residence STP Individual NPDES Permit	Issued	Clawson Lewis 512 Slippery Rock Road Slippery Rock, PA 16057-2928	Slippery Rock Township Butler County	NWRO
PA0293105	Single Residence STP Individual NPDES Permit	Issued	Norcross Aaron 188 Ohle Road Clarks Mills, PA 16114-1922	Perry Township Mercer County	NWRO
1022417	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Clawson Lewis 512 Slippery Rock Road Slippery Rock, PA 16057-2928	Slippery Rock Township Butler County	NWRO
4323408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Norcross Aaron 188 Ohle Road Clarks Mills, PA 16114-1922	Perry Township Mercer County	NWRO
PA0223131	Small Flow Treatment Facility Individual NPDES Permit	Issued	Living Church International 59 W Penn Street Summersville, PA 15864-6527	Redbank Township Clarion County	NWRO
WQG016153	WQG-01 WQM General Permit	Issued	Snyder Mary and David 396 Burnsville Ridge Road Claysville, PA 15323-1125	West Finley Township Washington 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 &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PA300001C	PAG-02 General Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212	Aleppo Township Greene County	Greene County Conservation District 22 West High Street Suite 204 Waynesburg, PA 15370 724-852-5278
PAC650260A-1	PAG-02 General Permit	Issued	Bushy Run Investments, LP 6536 William Penn Highway Suite 302 Delmont, PA 15626	Murrysville Borough Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650099	PAG-02 General Permit	Issued	Rocco and Linda D'Ascenzo 311 Mount Manor Road Manor, PA 15665	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC630269A-1	PAG-02 General Permit	Issued	Perryman Company 213 Vandale Drive Houston, PA 15342	Chartiers Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC020530A-5	PAG-02 General Permit	Issued	ACCAA Landslide Terminal 4th Floor Mezzanine Suite 1050 Pittsburgh, PA 15231	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020921A-1	PAG-02 General Permit	Issued	Duquesne Light Company 2841 New Beaver Ave Pittsburgh, PA 15233	Baldwin Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020337	PAG-02 General Permit	Issued	Castor Farm Associates 405 McNeilly Road Pittsburgh, PA 15226	Jefferson Hills Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020546A-1	PAG-02 General Permit	Issued	PIT Land, LLC 250 W. Court Street Suite 200E Cincinnati, PA 45202	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020589A-1	PAG-02 General Permit	Issued	Dream Greener Lawn Landscape 4991 Library Road Bethel Park, PA 15102	Bethel Park Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020263	PAG-02 General Permit	Issued	Mero South Park Ventures, LLC 3895 Stoneridge Lane Dublin, OH 43017	South Park Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020270	PAG-02 General Permit	Issued	Burgettstown Road Associates, LLC F100 Leetsdale Industrial Drive Leetsdale, PA 15056	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020983	PAG-02 General Permit	Issued	South Fayette Township 515 Miller Run Road Pittsburgh, PA 15064	South Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020587A-3	PAG-02 General Permit	Issued	University of Pittsburgh Facilities Management 3400 Forbes Avenue Suite 5 Pittsburgh, PA 15213	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020534-A-1	PAG-02 General Permit	Issued	Michael Facchiano Contracting 801 McNeilly Road Pittsburgh, PA 15226	Kennedy Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020990	PAG-02 General Permit	Issued	West Deer Township 109 East Union Road Cheswick, PA 15024	West Deer Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020903	PAG-02 General Permit	Issued	SunCap Property Group LLC 6101 Carnegie Boulevard Suite 180 Charlotte, NC 28209	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 28209 412-291-8005
PAC020583A-1	PAG-02 General Permit	Issued	Burgettstown Road Associates, LLC 100 Leetsdale Dr. Leetsdale, PA 15059	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC020987	PAG-02 General Permit	Issued	Cedar Ridge Partners P.O. Box 449 Mars, PA 16046	West Deer Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 160 Pittsburgh, PA 15219 412-291-8005
PAC650103	PAG-02 General Permit	Issued	Golden Triangle Construction Company 8555 Old Steubenville Pike Imperial, PA 15126	East Huntingdon Township South Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650106	PAG-02 General Permit	Issued	SML Limited Partnership 153 Swan Lake Lane New Alexandria, PA 15670	Derry Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650350	PAG-02 General Permit	Issued	AL-Spring Lane LLC c/o MN8 Energy LLC 750 Park of Commerce Boulevard Suite 200 Boca Raton, FL 33487	Cook Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650338	PAG-02 General Permit	Issued	Saint Vincent College 300 Fraser Purchase Road Latrobe, PA 15650	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650344	PAG-02 General Permit	Issued	Edward Schmidt 253 Waugaman Road Harrison City, PA 15636	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650356	PAG-02 General Permit	Issued	Larry Lint Flooring 111 Notch Lane Wendel, PA 15691	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC400274	PAG-02 General Permit	Issued	Forbo Flooring Inc. dba Forbo Flooring Systems Mark DeBellis 8 Maplewood Drive Hazle Township, PA 18202	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC650345	PAG-02 General Permit	Issued	MSD-Cherry Creek, LLC One Mele Place Braddock, PA 15104	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650336	PAG-02 General Permit	Issued	Wendell H. Stone Co., Inc. 606 McCormick Avenue Connellsville, PA 15425	East Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 412-837-5271
PAC650162A-1	PAG-02 General Permit	Issued	RWS Development Company, RC 8958 Hill Drive Irwin, PA 15642	Rostraver Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15642 412-837-5271
PAC650353	PAG-02 General Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC650349	PAG-02 General Permit	Issued	Giant Eagle, Inc 101 Kappa Drive Pittsburgh, PA 15238	Murrysville Borough Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC040130	PAG-02 General Permit	Issued	Sheetz, Inc 351 Sheetz Way Claysburg, PA 16625	Baden Borough Beaver County	Beaver County Conservation District 156 Cowpath Road Alliquippa, PA 15001 724-378-1701
PAC150344	PAG-02 General Permit	Issued	Capital Enterprises, Inc. 555 City Ave Suite 1130 Bala Cynwyd, PA 19004	West Goshen Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150328	PAG-02 General Permit	Issued	Penn DOT Engineering District 6-0 7000 Geerdes Blvd King of Prussia, PA 19406	Londonderry Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC150341	PAG-02 General Permit	Issued	ESKE Development LLC/ Tamora Building Systems 1390 Birmingham Rd West Chester, PA 19382	Caln Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC030051	PAG-02 General Permit	Issued	Rimer Hill LLC 101 Parkview Drive Ext Kittanning, PA 16201	East Franklin Township Armstrong County	Armstrong County Conservation District 120 South Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC200094	PAG-02 General Permit	Issued	Department of General Services 1800 Herr Street Harrisburg, PA 17125	Pine Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC450010	PAG-02 General Permit	Issued	First Baptist Church of East Stroudsburg 160 North Courtland Street East Stroudsburg, PA 18301	Smithfield Township Monroe County	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18360 570-629-3060 RA-EPWW-NERO@ pa.gov
PAC480170	PAG-02 General Permit	Issued	Bethlehem Township Municipal Authority 4225 Easton Ave. Bethlehem, PA 18020	Bethlehem Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC090507 A-1	PAG-02 General Permit	Issued	Shihadeh Contracting, LLC 2357 Tohickon Lane Warrington, PA 18976-2350	Warwick Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAD280019	PAG-02 General Permit	Issued	Infrastructure and Energy Alternatives, Inc. 6325 Digital Way Indianapolis, IN 46278-1679	Fannett Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC010234	PAG-02 General Permit	Issued	John J. Burdis, LLC 1850 Carlisle Pike Hanover, PA 17331	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 100 Gettysburg, PA 17325 717-334-0636

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220386	PAG-02 General Permit	Issued	South Hanover Township 161 Patriot Way Hershey, PA 17033	South Hanover Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220324A-1	PAG-02 General Permit	Issued	PA Business Center LP 5351 Jaycee Ave Harrisburg, PA 17112	Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220388	PAG-02 General Permit	Issued	JMB Gardens LLC 2200 N. 3rd Street Harrisburg, PA 17110	City of Harrisburg Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC220351	PAG-02 General Permit	Issued	Pine Manor LLC P.O. Box 677 Morgantown, PA 19543	Londonderry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC670104A-5	PAG-02 General Permit	Issued	Conewago North Ridge Partners LP 610 Edgegrove Road P.O. Box 866 Hanover, PA 17331	Hanover Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670106	PAG-02 General Permit	Issued	South Heights Manor LP 160 Ram Drive Hanover, PA 17331	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17331 717-840-7430
PAC630279	PAG-02 General Permit	Issued	Dcott Davitt 30 Springfield Ave Washington, PA 15301	Canton Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC630258	PAG-02 General Permit	Issued	Benjamins Marcus Homes, LLC 333 Technology Drive Suite 108 Canonsburg, PA 15317	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC190074	PAG-02 General Permit	Issued	Foust Holdings, LLC 138 Argutus Park Rd Bloomsburg, PA 17815	Hemlock Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC470016	PAG-02 General Permit	Issued	Woods of Welsh & Whisper Meadows HOA P.O. Box 201 Boalsburg, PA 16827	Mahoning Township Valley Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC470012	PAG-02 General Permit	Issued	PPL Electric Utilities Corp 1639 Church Rd Allentown, PA 18104	Derry Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC470037	PAG-02 General Permit	Issued	Montour, LLC 18 McMichael Road Washingtonville, PA 17884	Anthony Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC600099	PAG-02 General Permit	Issued	Newman Commons, LP Kathleen Graham 426 Newmans Rd Lewisburg, PA 17837	Kelly Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860
PAC600100	PAG-02 General Permit	Issued	Lewis Township Robert Goss 1599 Millmont Rd Millmont, PA 17845	Lewis Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860

**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>
J&L Groff Farms, LLC— Lloyd and Judy Groff 2906 Dettinger Road Brogue, PA 17309	York County	3.5	469.11	Broilers	NA	Approved
David Brenize 7201 Sunset Road Newburg, PA 17240	Franklin County	0	355.4	Poultry	NA	Approved

## PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

### SAFE DRINKING WATER

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

*Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.*

*Contact: Nicole Mechtly, Clerical Supervisor II, 570-327-3490.*

**Operation Permit 5922504.** PWSID No. **2590053.** **Tioga MHC, LLC**, P.O. Box 120, Mount Freedom, NJ 07970, Lawrence Park Township, **Tioga County**. Application received: June 6, 2023. Permit Issued: June 15, 2023. This permit approves upgrades to Dear's Mobile Home Park public water system, including replacement of the softening system with a greensand filtration system, including a 120-gallon pre-filtration oxidation tank, new sodium hypochlorite and general corrosion control chemical feed pumps, and the existing three hydropneumatic tanks.

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

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

**Construction Permit 5022507.** PWSID No. **7500868.** **Karns Prime and Fancy Food Ltd.**, 35 Centre Dr, New

Bloomfield, PA 17068, Centre Township, **Perry County**. Application received: December 12, 2022. Permit Issued: June 13, 2023. Potable water treatment system upgrades, including cartridge filtration, iron and manganese treatment, softening, sulfate treatment, reverse osmosis, disinfection, and finished water storage.

*Contact: Susan Wilbur 717-705-4708.*

**Source Water Protection Program Approval** issued to Maiden Creek Township Authority, 1A Quarry Road, **PWSID 3060012**, Maiden Creek Township, **Berks County**, on June 16, 2023.

*Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Renee Diehl, Program Manager, ra-epsdsw@pa.gov.*

**Water Allocation Permit WA26-1009A1.** PWSID No. **5260036.** **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, Dunbar Township, **Fayette County**. Application received: January 19, 2021. Permit Issued: May 8, 2023. Revision to original water allocation issued on 5/10/2022. The right to withdraw, for public water supply purposes, up to 40 million gallons of water per day (mgd), annual average, from the Youghiogheny River in Fayette County. 23 mgd of the 40 mgd allocation from the Youghiogheny River may be taken without any supplementation from the Youghiogheny River Lake and/or from Indian Creek/Mill Run Reservoir. 17 mgd of the 40 mgd allocation from the Youghiogheny River is contingent upon MAWC: 1) continuing to possess the right to utilize the water supply storage in the Youghiogheny River Lake of 5 mgd for present use and 12 mgd for future use, pursuant to the water storage agreement for water storage space in Youghiogheny River Lake, between the Department of the Army (government) and MAWC, certified on January 25, 2010 (2010 USACE agreement); and 2) continuing to possess the right to withdraw 10 mgd from Indian Creek/Mill Run Reservoir for flow augmentation, subject to the terms and conditions set forth in this permit during drought conditions and condition number 5, as follows or the right to withdraw, for public water supply purposes, up to 50 million gallons of water per day (mgd), annual average, from the Youghiogheny River in Fayette County. 23 mgd of the 50 mgd allocation from the Youghiogheny River may be taken without any supplementation from the Youghiogheny River Lake and/or from Indian Creek/Mill Run Reservoir. 27 mgd of the 50 mgd allocation from the Youghiogheny River is contingent upon: 1) the issuance of a public water supply operation permit by the department to MAWC for upgrades to expand the capacity of the Indian Creek Water Treatment Plant from 40 mgd to 50 mgd; 2) MAWC providing copies of any supplemental agreements to the 2010 USACE agreement, signed by both MAWC and the government, showing that MAWC has the right to utilize 17 mgd from the water supply storage in the Youghiogheny River Lake for present use; and 3) MAWC continuing to possess the right to withdraw 10 mgd from Indian Creek/Mill Run Reservoir for flow augmentation, subject to the terms and conditions set forth in this permit during drought conditions and condition number 5, as follows.

**NCWSA Operation Permit 5650400.** PWSID No. **5650400.** **DBA—Fox Den Acres Campground**, 390 Wilson Fox Road, New Stanton, PA 15672, Hempfield

Township, **Westmoreland County**. Application received: June 15, 2023. Permit Issued: June 15, 2023. Operation of Well 13.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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**The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

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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 describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, 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, 570-826-2511.*

**Susquehanna Steam Electric Station Transformer Release**, Primary Facility ID # **867419**, 769 Salem Boulevard, Berwick, PA 18603, Salem Township, **Luzerne County**. VF Britton Group, 326 Conestoga Road, Wayne, PA 19087, on behalf of Talen Energy, 769 Salem Boulevard, Berwick, PA 18603, submitted a Final Report concerning remediation of soil contaminated with transformer oil. 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.*

**Pennsy Supply, Inc.—Newport Quarry**, Primary Facility ID # **867217**, 142 South 4th Street, Newport, PA 17074, Oliver Township, **Perry County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, submitted a Final Report concerning remediation of soil contaminated with mineral insulating oil. The Final Report is intended to document remediation of the site to meet the Statewide health 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.*

**1002-1004 Buttonwood Street Site**, Primary Facility ID # **848617**, 1002-1004 Buttonwood Street, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. William Schmidt, Ransom Consulting, LLC, 2127 Hamilton Avenue, Hamilton, NJ 08619, on behalf of Aaron Cohen, SA Buttonwood LP, 600 Spring Garden Street, Philadelphia, PA 19123, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with PCE, TCE and cis-1,2-DCE. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

*Contact: Charline Bass, Administrative Assistant, 484-250-5787.*

**Keystone Trade Center—Lot 26**, Primary Facility ID # **847825**, South Port Road, Fairless Hills, PA 19067, Falls Township, **Bucks County**. Jeffrey A. Smith, PG, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of Andy Mace, NP Falls Township Industrial, LLC, 4825 NW 41st Street, Suite 500, Riverside, MO 64150, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of soil contaminated with iron, lead and vanadium. The Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**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).**

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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.*

**Former Buck Hill Falls Garage and Maintenance Area**, Primary Facility ID # **683474**, 196 Golf Road/114 Roak Oak Lane, Buck Hill Falls, PA 18323, Barre Township, **Monroe County**. Austin James Associates, P.O. Box 121, 305 Manor Drive, Pocono Manor, PA 18349, on behalf of Initram, LLC, 8245 Boone Boulevard, Suite 400, Tyson, VA 22182, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with petroleum. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: June 13, 2023.

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

*Contact: Barry, 814-332-6195.*

**Duffy, Inc.**, Primary Facility ID # **865271**, 1 Delta Drive, Smethport, PA 16749, Smethport Borough, **McKean County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Duffy, Inc., 1 Delta Drive, Smethport, PA 16749, submitted a Final Report

concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, cumene, methyl-tert-butyl ether (MTBE), naphthalene, 1,2,4-trimethylbenzene (1,2,4-TMB), and 1,3,5-trimethylbenzene (1,3,5-TMB). The Report demonstrated attainment of the Statewide health standards. Approved: June 15, 2023.

*Contact: Ben Weaver, 814-350-5132.*

**HBR Trucks, LLC**, Primary Facility ID # **866112**, 5852 West Road, McKean, PA 16426, McKean Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of HBR Trucks, LLC, 5852 West Road, McKean, PA 16426, submitted a Final Report concerning remediation of soil contaminated with Benzene, Toluene, Ethyl benzene, Cumene, MTBE, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: June 14, 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.*

**Tinicum Release Site**, Primary Facility ID # **829316**, 6 Industrial Highway, Essington, PA 19029, Tinicum Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Bradford L. Fish, Sunoco Pipeline LP, 100 Green Street, Marcus Hook, PA 19061, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: June 6, 2022.

#### 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: Regional Solid Waste Manager.*

**101676. ABC-EZ Moving Company, Inc.**, 1000 Island Avenue, McKees Rocks, PA 15136, Stowe Township, **Allegheny County**. Operation of a Municipal/Construction and Demolition Waste Transfer Facility at the ABC-EZ Construction and Demolition Waste Transfer Station located at 1000 Island Avenue, McKees Rocks, PA 15136 in Stowe Township, Allegheny County. A comment/response document was prepared to address public comments and is available by contacting Regional Files. Application received: August 2, 2022. Renewed: June 13, 2023.

Persons interested in reviewing the permit may contact Regional Files, 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.*

**AG5-59-00030A: NFG Midstream Covington, LLC**, 6363 Main Street, Williamsville, NY 14221, Middlebury Township, **Tioga County**. The Department authorization the construction and operation of one (1) 566 brake-horsepower (bhp) EPA certified PSI/Doosan natural gas-fired four-stroke rich-burn engine with non-selective catalytic reduction controls to power a Kohler model 300REZXD emergency electrical generator rated at 300 kW, two (2) Cimarron 200 MMBtu/hr triethylene glycol dehydrators with flash tanks and 10 MMBtu/hr Cimarron enclosed flares for still vent emissions control and equipped with 2.25 MMBtu/hr reboiler burners, four (4) 8.66 MMBtu/hr Flameco natural gas-fired pipeline heaters, one (1) 1,500-gallons triethylene glycol storage tank, one (1) 4,200-gallons waste fluids tank, one (1) 16,800-gallons waste fluids tank along with associated venting, piping, and components fugitives and liquids loading emissions at the Keeneyville Compressor Station pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5). Application received: May 22, 2023. Authorized: June 13, 2023. Expiration date: June 12, 2028.

**GP15-55-134A: Kreamer Feed, Inc.**, 215 Kreamer Avenue, Kreamer, PA 17833, Middlecreek Township, **Snyder County**. The Department approved authorization to operate conventional and organic feed mills pursuant to the General Plan Approval and/or General Operating Permit for Feed Mills (BAQ-PGPA/GP-15) at the Kreamer Feed Mill facility. Application received: June 2, 2023. Authorized: June 12, 2023. Expiration date: June 11, 2028.

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

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

**GP13-44-05013B: Glenn O. Hawbaker, Inc.**, 711 East College Avenue, Bellefonte, PA 16823, Armagh Township, **Mifflin County**. For an existing drum asphalt plant, under GP13, at the Naginey Quarry. The general permit authorization was for the replacement of the heater burner on the plant's rotary dryer. Application received: April 5, 2023. Issued: June 15, 2023.

### Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

**29-03001B: JLG Equipment Services, Inc.**, 1 JLG Drive, McConnellsburg, PA 17233, Ayr Township, **Fulton County**. For the installation of a new primer spray coating booth to debottleneck the roll-on truck deck manufacturing facility. The plan approval was extended. Application received: June 1, 2023. Issued: June 15, 2023.

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

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**62-00141: National Fuel Gas Supply Corporation, Roystone Compressor Station**, 6363 Main Street, Williamsville, NY 14221-5855, Sheffield Township, **Warren County**. The Department issued the renewal of the Title V Operating Permit to operate a natural gas compressor station. Sources of air emissions at the facility include ten natural gas-fired compressor engines, two natural gas-fired emergency generator engines, two triethylene glycol (TEG) dehydration units, a boiler, two pipeline heaters, a pig launcher, a thermal oxidizer, a gasoline storage tank, two parts washers, and a drip fluid tank. The facility is a Title V facility because of its high potential to emit VOC and NO<sub>x</sub> emissions, with PTEs of 72.58 TPY and 141.88 TPY, respectively. According to the annual emission report provided by the facility in 2022, the actual emissions at the facility are much lower, with 12.35 TPY, 11.65 TPY, and 18.65 TPY reported for CO, NO<sub>x</sub>, and VOC, respectively. The engines at the facility are subject to 40 CFR 63 Subpart ZZZZ pertaining to National Emission Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines. As a major source of VOC and NO<sub>x</sub>, the facility is subject to the presumptive NO<sub>x</sub> and VOC requirements of the RACT III (25 Pa. Code §§ 129.111—129.115) promulgated on November 12, 2022 (52 Pa.B. 6960). Application received: December 22, 2021. Renewal issued: June 13, 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.*

**38-05011: Plain N Fancy Kitchens, Inc.**, 2550 Stiegel Pike, Schaefferstown, PA 17088, Heidelberg Township, **Lebanon County**. For the wood kitchen cabinet manufacturing facility. The Title V permit was renewed. Application received: January 30, 2023. Issued: June 13, 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.*

**49-00025: PA Dept of Corrections SCI Coal Township**, 1 Kelly Drive, Coal Township, PA 17866, Coal Township, **Northumberland County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the State Correctional Institution—Coal Township. 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: July 6, 2022. Renewal issued: June 13, 2023. New expiration date: June 12, 2028.

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

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

**29-03002: P & W Excavating, Inc.**, 882 Pigeon Cove Road, P.O. Box 882, Warfordsburg, PA 17267-0128, Bethel Township, **Fulton County**. For the batch asphalt plant. The State-Only Permit was renewed. Application received: December 28, 2022. Issued: June 12, 2023.

**05-03020: Northern Bedford County School District**, 152 NBC Drive, Loysburg, PA 16659-9549, South Woodbury Township, **Bedford County**. For the boilers and emergency generator at the school facility. The State-Only Permit was renewed. Application received: January 30, 2023. Issued: June 12, 2023.

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

**06-03150: Craig Manufacturing, LLC**, 700 Henry Circle, Sinking Spring, PA 19608-1507, Spring Township, **Berks County**. For the fiberglass reinforced plastics manufacturing facility. The State-Only Permit was renewed. Application received: November 28, 2022. Issued: June 8, 2023.

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#### **De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**67-03052: Gelest, Inc.**, 158 Industrial Road, Glen Rock, PA 17327, City of York, **York County**.

### **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).**

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#### *Coal Permits*

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

*Contact: Bonnie Herbert, Clerical Assistant 3, 724-769-1100.*

**Mining Permit No. 56981301. NPDES No. PA 0215121. Quecreek Mining, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Lincoln and Somerset Townships, **Somerset County**. To renew the permit and related NPDES permit. Application received: September 28, 2018. Accepted: March 20, 2019. Issued: May 17, 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. Issued: May 30, 2023.

**Mining Permit No. 33971301. NPDES No. PA0215031. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, Perry Township, **Jefferson County**. To renew the permit and related NPDES permit. Application received: August 5, 2022. Accepted: October 5, 2022. Issued: May 30, 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. 11150101. NPDES No. PA0279391. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, Reade Township, **Cambria County**. Permit transfer from E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722 for the continued operation and restoration of a bituminous surface-auger mine County affecting 65.7 acres. Receiving streams: unnamed tributaries to/and Fallentimber Run classified for the following uses: CWF. Application received: November 21, 2022. Permit issued: June 13, 2023.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

*Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.*

**Mining Permit No. 3076SM8. NPDES No. PA0259748. Lakeland Aggregates, Inc.**, 11203 Ellion Road, Conneaut Lake, PA 16316, Sadsbury Township, **Crawford County**. Transfer of an existing surface mine from Conneaut Lake Sand & Gravel, Inc. Application received: February 2, 2023. Issued: June 15, 2023.

#### *Noncoal Permits*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

*Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.*

**Mining Permit No. 25222802. Matteson Heavy Equipment, LLC**, 27994 Gravel Run Road, Cambridge Springs, PA 16403, Concord Township, **Erie County**. Commencement, operation and restoration of a small industrial minerals mine. Application received: May 12, 2022. Issued: June 13, 2023.

**Mining Permit No. 3076SM4. NPDES No. PA0259730. Lakeland Aggregates, Inc.,** 11203 Ellison Road, Conneaut Lake, PA 16316, Sadsbury Township, **Crawford County.** Transfer of an existing surface mine from Conneaut Lake Sand & Gravel, Inc. Application received: November 30, 2022. Issued: June 13, 2023.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

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

To construct and maintain the following water obstructions and encroachments on a private lakefront property on Lake Renee in Marcel Lake Estates: 1. A floating aluminum recreational dock with spud poles encroaching into 128 square feet of Lake Renee (HQ—CWF, MF). 2. A 4-foot wide by 73-foot long elevated wooden walkway which will permanently impact approximately 0.01 acre of wetlands (EV). 3. An 18-foot wide single-family gravel driveway crossing of wetlands (EV). The crossing will include two (2) 15" HDPE cross pipes and will impact approximately 0.04 acre of wetlands. A 53-linear foot sewer line and 46-linear foot waterline crossing of EV wetlands are also proposed beneath the driveway. The project is located to the right of Renee Drive after the intersection with Valerie Road (Edgemere, PA Quadrangle Latitude: 41° 15' 35" Longitude: -74° 57' 47") in Delaware Township, Pike County. Application received: February 2, 2023.

**E5802122-001. PA Department of Transportation, Eng District 4-0,** 55 Keystone Industrial Park, Dunmore, PA 18512, Great Bend Borough, New Milford Borough, Great Bend Township, New Milford Township, **Susquehanna County.** U.S. Army Corps of Engineers Baltimore District.

Latitude: 41.872703 °, Longitude: -75.720039 °. Application received: February 23, 2022.

To authorize the following water obstructions and encroachments associated with the SR 0081 Section 511 Project:

#### Outfalls

1. To construct and maintain an outfall in the floodway of Smith Creek (HQ—CWF) consisting of a diameter 24" diameter pipe. (Impact O1).
2. To construct and maintain an outfall in the floodway of Smith Creek (HQ—CWF) consisting of a 30" diameter pipe. (Impact O2).
3. To construct and maintain an outfall in floodway and watercourse of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of a 30" diameter pipe and riprap apron. Approximately 40-ft of stream loss will occur from enclosing the watercourse and installation of the riprap apron. The outfall will also impact 0.01 acre of PSS wetland. (Impact O3).
4. To construct and maintain a riprap rock chute in the floodway of Salt Lick Creek (HQ—CWF, MF). (Impact O4).
5. To construct and maintain a riprap rock chute that will temporarily impact 0.01 acre of PEM wetland. (Impact O5).
6. To construct and maintain a riprap rock chute that will temporarily impact 0.01 acre of PFO wetland. (Impact O6).
7. To construct and maintain an outfall in the floodway and watercourse of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of a 24" diameter pipe, endwall and riprap apron. (Impact O7).
8. To construct and maintain a riprap rock chute in the floodway and watercourse of Salt Lick Creek (HQ—CWF, MF) and a Tributary to Salt Lick Creek. (HQ—CWF-MF) (Impact O8).

9. To construct and maintain an outfall in the floodway and watercourse of a Tributary to Salt Lick Creek (HQ—CWF) consisting of a 30" diameter pipe (Impact O9).

10. To construct and maintain an outfall in the floodway and watercourse of a Tributary to Salt Lick Creek (HQ—CWF) consisting of an 18" diameter pipe, endwall and riprap apron. Approximately 35-ft of stream loss will occur from enclosing the watercourse. (Impact O10).

11. To construct and maintain an outfall in floodway and watercourse of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of an 18" diameter pipe, endwall and riprap apron. The outfall will also impact 0.01 acre of PFO wetland. (Impact O11).

12. To construct and maintain an outfall in the floodway of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of a riprap rock chute. (Impact O12).

13. To construct and maintain an outfall in the floodway and watercourse of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of a riprap rock chute. (Impact O13).

14. To construct and maintain an outfall in the floodway of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of a riprap rock chute. (Impact O14).

15. To construct and maintain an outfall in the floodway and watercourse of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of a 30" diameter pipe, endwall and a riprap apron. (Impact O15).

16. To construct and maintain an outfall in the floodway of a Tributary to Salt Lick Creek (HQ—CWF, MF) consisting of an 18" diameter pipe, endwall and riprap apron. (Impact O16).

17. To construct and maintain an outfall in the floodway of the Susquehanna River (WWF, MF) consisting of an 18" diameter pipe, endwall and riprap apron. (Impact O17).

18. To construct and maintain an outfall in the floodway of the Susquehanna River (WWF, MF) consisting of a riprap apron. (Impact O18).

19. To construct and maintain a riprap apron outfall that will impact 0.01 acre of PEM wetland. (Impact O19).

20. To construct and maintain a riprap apron outfall that will impact 0.01 acre of PEM wetland. (Impact O20).

21. To construct and maintain a riprap apron outfall that will impact 0.01 acre of PEM wetland. (Impact O21).

22. To construct and maintain a riprap apron outfall and endwall that will impact 0.01 acre of PSS wetland. (Impact O22).

23. To construct and maintain a riprap apron outfall that will impact 0.01 acre of PSS wetland. (Impact O23).

24. To construct and maintain a riprap apron outfall that will impact 0.01 acre of PEM wetland. (Impact O24).

25. To construct and maintain a riprap apron outfall and endwalls that will impact 0.01 acre of PSS wetland. (Impact O25).

26. To construct and maintain an outfall in the floodway and watercourse of a Tributary to the Susquehanna River (WWF, MF) consisting of a 30" diameter pipe, endwall and riprap apron. (Impact O26).

27. To construct and maintain an outfall in the floodway of a Tributary to the Susquehanna River (WWF, MF) consisting of a riprap rock chute. (Impact O27).

28. To construct and maintain an outfall in the floodway of a Tributary to the Susquehanna River (WWF, MF) consisting of a riprap rock chute. (Impact O28).

29. To construct and maintain an outfall in the floodway and watercourse of a Tributary to the Susquehanna River (WWF, MF) consisting of a riprap rock chute. (Impact O29).

30. To construct and maintain an outfall in the floodway and watercourse of a Tributary to the Susquehanna River (WWF, MF) consisting of a riprap apron. (Impact O30).

31. A riprap rock chute will temporarily impact 0.01 acre of PEM wetland during construction. (Impact O31).

#### *Box Culverts*

1. To perform maintenance on an existing concrete box stream enclosure that carries SR 0081 NB and SB over Smith Creek (HQ—CWF, MF). The proposed maintenance consists of lining the culvert with an epoxy resin and replacing the outlet headwall. Grouted riprap choked with streambed material followed by another section of riprap choked with streambed material will also be placed downstream of the existing concrete apron slab outlet for approximately 30'. Riprap will also be placed along the downstream banks. (Impact BC1).

2. To perform maintenance on an existing concrete box stream enclosure that carries SR 0081 NB and SB over a Tributary to Salt Lick Creek (HQ—CWF, MF). The proposed maintenance consists of lining the culvert with an epoxy resin and replacing the existing downstream apron, headwall and wingwalls. Flexible fish baffles will also be placed in the structure. In addition, permanent access roads will be installed along the upstream left overbank and along the downstream right overbank from the culvert. (Impact BC2).

3. To remove the existing structure and to construct and maintain a 166.5' wide single span pre-cast reinforced concrete box stream enclosure carrying SR 0081 NB and SB across Tributary to Salt Lick Creek (HQ—CWF, MF) having an 8' normal clear span and a 6' minimum underclearance and to construct and maintain appurtenant structure features. (Impact BC3).

#### *Bridges*

1. To remove the existing structure and to construct and maintain a 59.4' wide 4-span bridge carrying SR 0081 NB across the Susquehanna River (WWF—MF) with various normal clear spans and a 22.1' minimum underclearance and to construct and maintain appurtenant structure features. (Impact BR1).

2. To remove the existing structure and to construct and maintain a 59.4' wide 4-span bridge carrying SR 0081 SB across the Susquehanna River (WWF—MF) with various normal clear spans and a 22.1' minimum underclearance and to construct and maintain appurtenant structure features. (Impact BR2).

3. To remove the existing structure and to construct and maintain a 47.4' wide single span bridge carrying SR 0081 NB across Trowbridge Creek (CWF—MF) having an 105' normal clear span and a 7.3' minimum underclearance and to construct and maintain appurtenant structure features. Stream mitigation including channel grad-

ing, log vanes, a rock cross vane and a soil lift along the downstream right bank will be installed at the proposed structure. (Impact BR3).

4. To remove the existing structure and to construct and maintain a 62.3' wide single bridge carrying SR 0081 SB across Trowbridge Creek (CWF—MF) having an 105' normal clear span and a 7.7 minimum underclearance and to construct and maintain appurtenant structure features. Stream mitigation including channel grading, log vanes, a rock cross vane and a soil lift along the downstream right bank will be installed at the proposed structure. (Impact BR4).

#### *Stream Enclosure Replacements*

1. To remove the existing structure and to construct and maintain a 60" diameter 341' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE1).

2. To remove the existing structure and to construct and maintain a 60" diameter 219' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE2).

3. Perform maintenance on an existing stream enclosure carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081. The proposed maintenance consists of installing a 50.5" diameter liner inside the existing 60" diameter pipe and installing outlet protection. Appurtenant structure features will also be constructed and maintained. (Impact SE3).

4. To remove the existing structure and to construct and maintain a 48" diameter 214' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE4).

5. To remove the existing structure and to construct and maintain a 48" diameter 230' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE5).

6. To remove the existing structure and to construct and maintain a 84" diameter 218' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE6).

7. To remove the existing structure and to construct and maintain a 66" diameter 199' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE7).

8. To remove the existing structure and to construct and maintain a 30" diameter 250' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE8).

9. To remove the existing structure and to construct and maintain a 36" diameter 211' long stream enclosure

with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE9).

10. To remove the existing structure and to construct and maintain a 36" diameter 188' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE10).

11. To remove the existing structure and to construct and maintain a 36" diameter 220' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE11).

12. To remove the existing structure and to construct and maintain a 42" diameter 166' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (HQ—CWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE12).

13. To remove the existing structure and to construct and maintain a 42" diameter 304' long stream enclosure with outlet protection carrying a Tributary to Susquehanna River (WWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE13).

14. To remove the existing structure and to construct and maintain a 42" diameter 300' long stream enclosure with outlet protection carrying a Tributary to Susquehanna River (WWF, MF) under both the NB and SB lanes of SR 0081 and to construct and maintain appurtenant structure features. (Impact SE14).

15. To remove the existing structure and to construct and maintain a 90" diameter 119' long stream enclosure with outlet protection carrying a Tributary to Salt Lick Creek (CWF, MF) under SR 1029 (Randolph Road) and to construct and maintain appurtenant structure features. (Impact SE15).

#### *Wetland Fill*

1. To permanently impact 0.41 acre of PFO/PEM/PSS wetlands immediately adjacent to SR 0081 NB/SB associated with stream enclosure replacements, installation of headwalls, rock aprons, rock channel linings, construction of a stormwater basin, the realignment of Emerson Road and cut and fill slopes associated with SR 0081 widening.

#### *Floodway Fill*

1. To place 0.08 acre of fill in the floodway of a Tributary to Salt Lick Creek (HQ—CWF, MF) for the purpose of reconstruction and grading of SR 0081 NB (Impact RW1).

2. To place 0.01 acre of fill in the floodway of a Tributary to Smith Creek (HQ—CWF, MF) for the purpose of reconstruction and grading of SR 0081 SB (Impact RW2).

3. To place 0.05 acre of fill in the floodway of a Tributary to Trowbridge Creek (CWF, MF) for the purpose of the relocation of Emmerson Road (Impact ER1).

#### *Stream Channel Changes*

1. Approximately 440 LF of stream and associated floodway of a tributary to Smith Creek (HQ—CWF, MF) will be relocated due to the widening of SR 0081 NB. (Impact SR1).

2. Approximately 116 LF of stream and associated floodway of two tributaries to Salt Lick Creek (HQ—CWF, MF) will be regraded for SR 0081 NB widening. (Impact CR1).

*Other Impacts:*

1. Flows from a Tributary to the Susquehanna River (WWF, MF) will be enclosed and rerouted to a managed release basin. Overflow of an existing weir during large storm events from a different Tributary to the Susquehanna River (WWF, MF) will be also be rerouted to the managed release basin. (Impact SE16).

2. To remove an existing 72" culvert providing access over a Tributary to Trowbridge Creek (CWF, MF). This portion of the Tributary will be restored to an open flow condition with riprap protection. (Impact AR1).

3. Approximately 53 LF of a Tributary to Trowbridge Creek (CWF, MF) will need to be regraded for the construction of a stormwater basin. In addition, 0.81 acre of this Tributary's floodway will be impacted by the construction of the stormwater basin and for the reconstruction and grading of SR 0081 NB. (Impact GB1).

The proposed project is located along SR 0081 and extends from the PA/NY border to Exit 223 for approximately 9 miles (Franklin Forks, Great Bend and Hartford, PA Quadrangle, Latitude: 41.872703; Longitude: -75.720039 to Latitude: 41.997753; Longitude: -75.752269) in Great Bend and New Milford Boroughs and Great Bend and New Milford Townships, Susquehanna County.

**E5402222-007. TLC 209, LLC**, 8101 E. Prentice Avenue, Greenwood Village, CO 80111, Tremont Township, **Schuylkill County**. U.S. Army Corps of Engineers Baltimore District.

To place fill in 0.25 acre of wetlands for construction of a 426,910 square foot warehouse and parking area associated with the Tremont Logistics Center—South Lot 4 development. To compensate for the permanent wetland impacts, the applicant will make a payment into the In-Lieu Fee Program (ILF) to adequately mitigate for these impacts. The project is located on the right of US-209 N. approximately 1.0 mile after taking exit 107 from Interstate-81 (Pine Grove, PA Quadrangle Latitude: 40° 37' 11", Longitude: -76° 25' 34.38") in Tremont Township, Schuylkill County. Application received: October 4, 2022.

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

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

**E1006222-013. Freedom Road Associates LLC**, 514 Ridge Court, Wexford, PA 15090, Cranberry Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District.

Permanently impact a total of 0.096 acre of wetland and a total 239 feet of watercourses (UNT Brush Creek) having contributory drainage less than 100 acres and to temporarily impact 0.003 acre of wetland and 10 feet of watercourses (UNT Brush Creek) having contributory drainage less than 100 acres for the construction of a residential townhome development north of SR 3020 (Freedom Road) east of Valley Forge Drive (Baden, PA Quadrangle N: 40.6838°; W: -80.1311°) in Cranberry Township, Butler County. Mitigation for project impacts includes on-site creation of 0.098 acre of wetland and enhancement 230 feet of stream channel in UNT Brush Creek south of Mystic Pine Trail approximately 0.25 mile

east of the development. Application received: December 12, 2022. Issued: June 13, 2023.

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

*Contact: 717-705-4802.*

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

To construct, operate and maintain a 44-foot by 12-foot single span bridge stream crossing over Gillians Run (CWF, MF) at (40.428214, -78.432669) which will permanently impact approximately 0.01 acre of stream and also permanently impact 0.28 acre of floodway associated grading with approach roadway construction. There are no wetland impacts. Application received: January 17, 2023. Issued: June 12, 2023.

**E2203222-006. Utah Development LLC**, 25000 Assembly Park Drive, Wisom, MI 48393, West Hanover Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District.

To place and maintain fill in palustrine emergent wetlands, permanently impacting 0.20 acre of wetland for the purpose of providing additional parking and providing safe travel paths at the existing RV sales and service center. The project is located at 80 & 86 Hershey Road (Latitude: 40.33674° N; Longitude: 76.71422° W) in West Hanover Township, Dauphin County. To compensate for the impacts, the applicant proposes to purchase 0.20 wetland credits from the East Branch Codorus Creek Mitigation Bank in York County, PA. Application received: August 8, 2022. Issued: June 14, 2023.

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

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

**E4601223-007. Collegeville Borough**, 491 East Main Street, Collegeville, PA 19426, Collegeville Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

Collegeville Borough is proposing to perform Chapter 106 Floodplain Site Restoration at seven (7) properties located along West First Avenue and also Chestnut Street within the 100-year Floodplain and Floodway of Perkiomen Creek (TSF-MF). These properties include: 1) 6 W. First Avenue includes 0.097 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182897 N, Longitude 75.448499 W) 2) 86 W. First Avenue includes 0.086 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182486 N, Longitude 75.448441 W) 3) 90 W. First Avenue includes 0.188 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182283 N, Longitude 75.447962 W) 4) 122 Chestnut Street includes 0.091 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182369 N, Longitude 75.449610 W) 5) 130 Chestnut Street includes 0.089 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182454 N, Longitude 75.449129 W) 6) 3 W. First Avenue includes 0.084 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.183385 N, Longitude 75.449180 W) 7) 56 W. First Avenue includes 0.148 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.183123 N, Longitude 75.449209 W). Application received: February 22, 2023. Issued: June 13, 2023.

**E4601223-009. Collegeville Borough**, 491 East Main Street, Collegeville, PA 19426, Collegeville Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

Collegeville Borough is proposing to perform Chapter 106 Floodplain Site Restoration at six (6) properties located along East First Avenue, West First Avenue, Chestnut Street, and Sixth Avenue within the 100-year Floodplain and Floodway of Perkiomen Creek (TSF, MF). These properties include: 1) 30 E. First Avenue includes 0.105 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.185962 N, Longitude 75.449119 W) 2) 740 E. First Avenue includes 0.056 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.196178 N, Longitude 75.451074 W) 3) 750 E. First Avenue includes 0.076 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.196040 N, Longitude 75.451050 W) 4) 38 W. First Avenue includes 0.102 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.186495 N, Longitude 75.449115 W) 5) 137 Chestnut Street includes 0.150 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182871 N, Longitude 75.449551 W) 6) 130 Sixth Avenue includes 0.144 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.187418 N, Longitude 75.460548 W). Application received: February 23, 2023. Issued: June 13, 2023.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake, Program Manager.*

**E0405222-002. Vanport Township**, 477 State Avenue, Vanport, PA 15009, Vanport Township, **Beaver County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: Excavate and maintain a 5' wide, 155' long bench on both sides of Twomile Run within the floodway, to reconnect the floodplain, with 30' feet of streambank stabilization with coir log; Construct and maintain a 35' wide riparian buffer along 155' of both sides of Twomile Run (WWF), and 41' of an unnamed tributary (UNT) to Twomile Run; and Construct, operate, and maintain a temporary road crossing of Twomile Run and a temporary road crossing of a UNT to Twomile Run (WWF); For the purpose of better connecting the stream to its floodway, bank rehabilitation, and riparian buffer enhancement to satisfy the Township's MS4 requirements of their NPDES permit (Permit No. PAG136144). Permanent impacts are 155 linear feet of stream bank and 0.25 acre of floodway. Temporary impacts are 239 linear feet of stream and all temporarily impacted areas will be restored upon project completion. Temporary floodplain impacts are 0.03 acre. The project site is located along Twomile Run near the intersection of Georgetown Lane and Spring Lane (Beaver, PA USGS topographic quadrangle; N: 40°, 41', 22"; W: -80°, 19', 38"; Sub-basin 20) Latitude: 40° 41' 22", Longitude: -80° 19' 38". Application received: May 13, 2022. Issued: May 25, 2023.

#### ENVIRONMENTAL ASSESSMENTS

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

*Contact: 717-705-4802.*

**EA3803222-005. Doc Fritchey Chapter Trout Unlimited**, P.O. Box 227, Palmyra, PA 17078, Cornwall Borough, **Lebanon County**. U.S. Army Corps of Engineers Baltimore District.

To conduct a stream restoration along 1,105 feet of an unnamed tributary to Snitz Creek (TSF, MF) including 1.) the relocation and maintenance of 384 feet of stream; 2.) the grading and maintenance of 1,164 feet of streambank (left and right banks); 3.) the construction and maintenance of 1,462 linear feet of bankfull benches; 4.) the construction and maintenance of twelve riffles totaling 311 feet in length; 5.) the construction and maintenance of twelve boulder runs; 6.) the construction and maintenance of a 20.0-foot by 10.0-foot temporary timber bridge; 7.) the installation and maintenance of nine rock outcrops; 9.) the placement and maintenance of fill in 120 linear feet of an unnamed tributary to an unnamed tributary to Snitz Creek (TSF, MF); and 10.) the excavation and maintenance of 2.22 acres of floodway along an unnamed tributary to Snitz Creek (TSF, MF), all for the purposes of improving instream habitat and water quality. The project is located immediately downstream of Culvert Street (Latitude: 40° 17' 11.45" N; Longitude: 76° 24' 41.50" W) in Cornwall Borough, Lebanon County. No wetlands will be impacted by this project. Application received: December 17, 2022. Issued: June 14, 2023.

#### DAM SAFETY

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake, Program Manager.*

**E6305223-001. Chartiers Township**, 2 Buccaneer Drive, Houston, PA 15342, Chartiers Township, **Washington County**. The Township is proposing to demolish a blighted structure located at 603 Railroad Street. The demolition includes removal of the structure, excavation and removal of debris, site restoration and stabilization of the disturbed area. Disturbance will be limited to the area of the structure and backfilling. No onsite grading outside of the structure will occur. All utility service lines will be permanently terminated. Application received: February 21, 2023. Issued: June 15, 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 ESG290823007-00**

Applicant Name **Chesapeake Appalachia LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Litchfield Township

County **Bradford County**

Receiving Stream(s) and Classification(s) Trib. 31577 to Satterlee Creek (CWF, MF), Trib. 31575 to Satterlee Creek (CWF, MF)

Application received: April 27, 2023

Issued: June 12, 2023

**ESCGP # 3 ESG295923006-00**

Applicant Name **Repsol Oil & Gas USA LLC**

Contact Person Jonathan Fronk

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845-1008

Township(s) Union Township

County **Tioga County**

Receiving Stream(s) and Classification(s) Sugar Works Run (HQ—CWF, MF)

Application received: March 29, 2023

Issued: June 15, 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 ESG076322010-00**

Applicant Name **Range Resources Appalachia, LLC**

Contact Person Karl Matz

Address 3000 Town Center Boulevard

City, State, Zip Canonsburg, PA 15317

Township(s) Buffalo Township

County **Washington County**

Receiving Stream(s) and Classification(s) UNT to Buffalo Creek, HQ—WWF (four discharge points)

Application received: September 7, 2022

Issued: June 15, 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 reme-

dial 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.*

**Jack's Glass**, Storage Tank Facility ID # **39-41721**, 418-432 North Madison Street, Allentown, PA 18102, City of Allentown, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Jack's Glass, Inc., 3611 Bell Circle, Northampton, PA 18067 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

**Bear Mart formerly Turnpike Mobil**, Storage Tank Facility ID # **40-19230**, 2999 Bear Creek Boulevard, Bear Creek, PA 18702, Bear Creek Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Zora Investments, LLC, 95 South Mountain Boulevard, Mountain Top, PA 18707 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 and site-specific 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.*

**7 Eleven 40200**, Storage Tank Facility ID # **51-30599**, 2601 Penrose Ave., Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 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 nonresidential site-specific standards.

**Marcus Hook Term**, Storage Tank Facility ID # **23-14224**, 100 Green St., Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of Energy Transfer

Marketing & Terminals L.P., 100 Green Street, Marcus Hook, PA 19061 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with volatile organic compounds. The report is intended to document the remedial actions for meeting residential and nonresidential Statewide health and site-specific standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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#### Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

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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.

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

*Contact: A. Lee Nageotte, 814-332-6127.*

**Snider Shell SVC**, Storage Tank Facility ID # **25-34596**, 6501 Route 89, North East, PA 16428, North East Township, **Erie County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Snider Shell Service, 1033 E 29th Street, Erie, PA 16504 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on June 14, 2023.

*Contact: Bill, 814-332-6671.*

**602321**, Storage Tank Facility ID # **42-14798**, 400 North Fraley Street, Kane, PA 16735, Kane Borough, **McKean County**. GES, 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company, 15 Bradley Street, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Petroleum. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on June 13, 2023.

*Contact: Chris, 724-598-2206.*

**Sasol Chem USA Oil City Plant**, Storage Tank Facility ID # **61-04258**, 292 State Route 8, Oil City, PA 16301, Cornplanter Township, **Venango County**. Letterle & Associates, 191 Howard St, Suite 108, Franklin, PA 16323, on behalf of Sasol Chem USA LLC, 292 State Route 8, Oil City, PA 16301 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Cresol. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on June 14, 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.*

**Sunoco 0363 9440**, Storage Tank Facility ID # **51-30647**, 301 S. 52nd St., Philadelphia, PA 19143, City of Philadelphia, **Philadelphia County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 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 June 14, 2023.

**Sunoco 0363 3955**, Storage Tank Facility ID # **09-30717**, 1432 Street Rd., Eddington, PA 19020, Bensalem Township, **Bucks County**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with methyl tert-butyl ether. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on June 14, 2023.

**Phila Marine Ctr.**, Storage Tank Facility ID # **51-42260**, 235 N. Columbus Blvd, Pier 12N, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**. Curren Environmental, Inc., 10 Penn Avenue, Cherry Hill, NJ 08002, on behalf of Piers at Penn's Landing, LLC, c/o the Durst Organization, One Bryant Park, New York, NY 10036 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on June 15, 2023.

**Dileos Auto Svc**, Storage Tank Facility ID # **46-22320**, 2233 W. Main St., Norristown, PA 19403, West Norriton Township, **Chester County**. August Mack Environmental, LLC, 806 Fayette Street, Conshohocken, PA 19428, on behalf of HTAS, Inc., 2233 W. Main St., Norristown, PA 19403 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 June 5, 2023.

## SPECIAL NOTICES

### WATER PROGRAMS

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.*

*Contact: RA-EPREGIONALPERMIT@pa.gov.*

The following permit application has been received by the Department. Persons objecting to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Regional Permit Coordination Office as noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates.

More information regarding the permit applications related to this proposed project may be available online ([dep.pa.gov/pipelines](http://dep.pa.gov/pipelines)) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or RA-EPREGIONALPERMIT@pa.gov.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

Persons with a disability that require an auxiliary aid, service or other accommodation should contact the specified Department office. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

#### **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(a) of the FWPCA.**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101; Email: RA-EPREGIONALPERMIT@pa.gov.*

**E0683223-012. Texas Eastern Transmission, LP**, 2601 Market Place, Suite 400, Harrisburg, PA 17110. Ruscombmanor and Washington Township, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

The applicant is proposing to repair and maintain three anomalies along the 30-inch Line 19 natural gas pipeline.

The proposed project impacts include a total of 224 square feet of temporary impacts and 5 square feet of permanent impacts to UNT to Furnace Creek (CWF); 601

square feet of temporary floodway impacts; and 0.56 acre of temporary impacts and 0.02 acre of permanent impacts to PEM (EV) wetlands.

The project is located 0.5 mile east of Memorial Highway/Route 662 (Latitude: 40.411389°; Longitude: -75.813333°) in Ruscombmanor Township and 0.37 mile west of Kulps Rd (Latitude: 40.423275°; Longitude: -75.607356°) in Washington Township, **Berks County**.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

#### **Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.*

**Columbia Gas Transmission, LLC**, 1700 MacCorkle Ave SE, Charleston, WV 25314, Gilmore Township, **Greene County**, U.S. Army Corps of Engineers, Pittsburgh District.

The permittee is authorized to construct and maintain water obstructions and encroachments associated with the Line 1570 Phase 1 Slip Repair Project for the repair, stabilization, and maintenance of one slip along an existing natural gas pipeline right-of-way. The project consists of the installation of subsurface drains, rock armoring along a stream and restoration of the slip soils using excavation, moisture conditioning and regrading.

**E3083222-002.** The proposed impacts include 117 feet of temporary stream impacts and 186 feet of permanent

stream impacts to a UNT to Hennen Run (WWF); 0.44 acre of temporary floodway impacts; 0.69 acre of permanent floodway impacts; 0.20 acre of temporary impacts to PEM wetlands; and 0.35 acre of permanent impacts to PEM and PFO wetlands, all of which is permanent fill.

The permittee is required to compensate for project impacts by providing 0.54 credit of wetland mitigation

and 186 credits of stream mitigation at the Laurel Hill Creek Mitigation Bank in Somerset County.

The project is located off SR 3008 (Latitude: 39.733350°; Longitude: -80.333836°) in Gilmore Township, **Greene County**.

[Pa.B. Doc. No. 23-847. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to TGDs*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### *Final TGDs: Minor Revisions*

Minor revisions were made to the TGDs listed in the following table. The primary reason for these revisions is to update and reorganize these TGDs to be consistent with the current organizational structure of the Department. The document identification numbers were renumbered to be consistent with the Bureau of Clean Water's current document numbering system. Other minor revisions include updates to organization names, contact information, regulatory references and minor grammatical corrections. To reflect the current organization structure of the Department, the documents were also relocated in the Department's eLibrary ([www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/)) under the Bureau of Clean Water from legacy bureaus that are no longer a part of the Department's organizational structure, such as the Bureau of Water Standards and Facility Regulation and the Bureau of Watershed Management.

<i>Prior Document Identification Number</i>	<i>New Document Identification Number</i>	<i>Name</i>	<i>Prior eLibrary Folder</i>	<i>New eLibrary Folder</i>
391-2000-017	386-2000-001	Implementation Guidance For Temperature Criteria	Water Standards and Facility Regulation	Clean Water
385-2000-011	386-2000-002	Pennsylvania Combined Sewer Overflow (CSO) Policy	Point and Nonpoint Source Management	Clean Water
385-0810-001	386-0810-001	Chapter 95—Total Dissolved Solids, Statement of Policy Defining the Term "Authorization"	Water Standards and Facility Regulation	Clean Water
391-2000-023	386-2000-003	Design Stream Flows	Water Supply and Wastewater Management	Clean Water
391-2000-003	386-2000-004	Determining Water Quality Based Effluent Limits	Water Supply and Wastewater Management	Clean Water
391-2000-021	386-2000-005	Field Data Collection and Evaluation Protocol for Determining Stream and Point Source Discharge Design Hardness	Water Supply and Wastewater Management	Clean Water

<i>Prior Document Identification Number</i>	<i>New Document Identification Number</i>	<i>Name</i>	<i>Prior eLibrary Folder</i>	<i>New eLibrary Folder</i>
391-2000-024	386-2000-006	Field Data Collection and Evaluation Protocol for Deriving Daily and Hourly Coefficients of Variation (CV) and Other Discharge Characteristics	Water Supply and Wastewater Management	Clean Water
391-2000-006	386-2000-007	Implementation Guidance Design Conditions	Water Supply and Wastewater Management	Clean Water
391-2000-002	386-2000-008	Implementation Guidance Evaluation & Process Thermal Discharge (316(a)) Federal Water Pollution Act	Water Supply and Wastewater Management	Clean Water
391-2000-010	386-2000-009	Implementation Guidance for Section 95.6 Management of Point Source Phosphorus Discharges to Lakes, Ponds and Impoundments	Water Supply and Wastewater Management	Clean Water
391-2000-022	386-2000-010	Implementation Guidance for the Determination and Use of Background/Ambient Water Quality in the Determination of Wasteload Allocations and NPDES Effluent Limitations for Toxic Substances	Water Supply and Wastewater Management	Clean Water
391-2000-015	386-2000-011	Implementation Guidance Total Residual Chlorine (TRC) Regulation	Water Supply and Wastewater Management	Clean Water
362-0300-004	386-0300-002	Industrial Wastewater Management	Water Supply and Wastewater Management	Clean Water
391-2000-008	386-2000-012	Interim Method for the Sampling and Analysis of Osmotic Pressure on Streams, Brines and Industrial Discharges	Water Supply and Wastewater Management	Clean Water
391-2000-014	386-2000-013	Policy and Procedure for Evaluating Wastewater Discharges to Intermittent and Ephemeral Streams, Drainage Channels and Swales, and Storm Sewers	Water Standards and Facility Regulation	Clean Water
391-2000-020	386-2000-014	Protocol for Estimating First Order Pollutant Fate Coefficients for Volatile Organic Substances	Water Supply and Wastewater Management	Clean Water
391-2000-011	386-2000-015	Technical Reference Guide (TRG) PENTOXSD for Windows PA Single Discharge Wasteload Allocation Program for Toxics Version 2.0	Water Supply and Wastewater Management	Clean Water
391-2000-007	386-2000-016	Technical Reference Guide (TRG) WQM 7.0 for Windows Wasteload Allocation Program for Dissolved Oxygen and Ammonia Nitrogen Version 1.0	Water Supply and Wastewater Management	Clean Water
362-2000-001	386-2000-017	Permitting Policy and Procedure Manual	Water Quality	Clean Water
362-0400-001	386-0400-001	Technical Guidance for the Development and Specification of Effluent Limitations	Water Quality	Clean Water
362-2183-003	386-2183-001	Technology Based Control Requirements for Water Treatment Plant Wastes	Water Quality	Clean Water
362-2000-008	386-2000-018	Policy for Conducting Technical Reviews of Minor NPDES Permit Applications	Water Quality	Clean Water

<i>Prior Document Identification Number</i>	<i>New Document Identification Number</i>	<i>Name</i>	<i>Prior eLibrary Folder</i>	<i>New eLibrary Folder</i>
362-2000-003	386-2000-019	Policy for Permitting Surface Water Diversions	Water Quality	Clean Water
362-2183-004	386-2183-002	Technical Guidance for Development of NPDES Permit Requirements Steam Electric Industry	Water Quality	Clean Water
391-2000-019	386-2000-020	Implementation Guidance for Application of Section 93.5(e) for Potable Water Supply Protection Total Dissolved Solids (TDS), Nitrite-Nitrate (NO <sub>2</sub> —NO <sub>3</sub> ), Non-Priority Pollutant Phenolics and Fluorides	Watershed Conservation	Clean Water
391-2000-018	386-2000-021	Implementation Guidance for Section 95.9 Phosphorus Discharges to Free Flowing Streams	Watershed Conservation	Clean Water
391-2000-013	386-2000-022	Implementation Guidance of Section 93.7 Ammonia Criteria	Watershed Management	Clean Water
385-2100-002	386-2100-002	Policy and Procedure for NPDES Permitting of Discharges of Total Dissolved Solids	Water Standards and Facility Regulation	Clean Water
391-3200-013	386-3200-001	Evaluations of Phosphorus Discharges to Lakes, Ponds and Impoundments	Water Supply and Wastewater Management	Clean Water
392-0300-002	386-0300-003	Comprehensive Stormwater Management Policy	Watershed Management	Clean Water
392-0300-001	386-0300-004	Stormwater Management Guidelines and Model Ordinances	Watershed Management	Clean Water
363-4000-003	386-4000-001	Standards and Guidelines for Identifying, Tracking and Resolving Violations of the Storm Water Management Act	Watershed Management	Clean Water

*Contact:* Questions regarding these minor revisions should be directed to Harmonie Hawley, PhD, PE, at [hhawley@pa.gov](mailto:hhawley@pa.gov).

*Effective Date:* July 1, 2023

RICHARD NEGRIN,  
*Secretary*

[Pa.B. Doc. No. 23-848. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Cooking in Healthy Electrified Commercial Kitchens Rebate Program

The Department of Environmental Protection (Department) announces the extension of its rebate program, Cooking in Healthy Electrified Commercial Kitchens (Program), as well as updates to eligibility and incentive amounts. The Program aims to help commercial kitchens in the Commonwealth modernize and become healthier places to work by means of energy efficiency and electrification. Since October 2022, the Program has provided rebates to nonprofits, higher education institutions and K—12 schools for a variety of combustion-free cooking equipment, as well as associated electrical upgrades.

The rebate application period will remain open until December 31, 2023. To qualify for the rebate, the applicant must be one of the following entities: a

Commonwealth-based K—12 school district, higher education institution, not-for-profit hospital or nonprofit whose mission is geared toward community services, such as soup kitchens, shelters or food banks. In addition, beginning on July 5, 2023, restaurants in this Commonwealth will also be eligible for Program rebates. A representative from the school, institution, business or nonprofit must watch a prerecorded Program webinar, attend a live Program webinar or attend an in-person workshop in order to apply for the rebate. The prerecorded webinars, as well as dates for the in-person workshops and live webinar, can be found at [https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/Energy\\_Efficiency\\_and\\_Conservation/CommercialBuildings/Pages/default.aspx](https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/Energy_Efficiency_and_Conservation/CommercialBuildings/Pages/default.aspx). The application must be submitted to the Department prior to the installation of the equipment. Equipment purchase costs are eligible, as well as associated electrical infrastructure upgrades to accommodate additional load. The rebate will be offered on a first-come, first-served basis in the order in which they are received. Up to 40% of the rebates will be allotted for community

service nonprofits or buildings located in or servicing environmental justice communities, as defined by the Department's Office of Environmental Justice. In order to receive rebate moneys, approved applicants will be issued a voucher. They then have 6 months to install eligible equipment and submit a payment request form with required documentation to the Department.

The following revised rebate amounts are offered for commercial kitchens by eligible entities:

- \$4,000 rebate for ENERGY STAR certified steam cooker, fryer, combination oven, convection oven, griddle, hot food holding cabinet (up to 50% of purchase cost).
- \$7,500 rebate for demand control kitchen ventilation system (up to 50% of purchase cost).
- \$7,500 rebate for induction range, cooktop, wok, griddle (up to 50% of purchase cost).
- \$1,000 rebate for associated electrical infrastructure upgrades to accommodate additional load from induction equipment (up to 50% of infrastructure cost).

Applicants may apply under each category, but no more than a total of \$8,500 in rebates will be issued to any one applicant.

Entities who applied for and received a Program rebate during year one of the program (between October 1, 2022, and June 30, 2023) are eligible to apply again on July 5, 2023, for the maximum rebate amount of \$8,500 for new projects.

The Program guidelines and application instructions are available on the Department's web site at <https://www.dep.pa.gov/CommercialBuildings>.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at [www.esa.dced.state.pa.us/Login.aspx](http://www.esa.dced.state.pa.us/Login.aspx). Hardcopy applications will not be accepted. The Department will begin accepting applications for the increased rebate amounts and from restaurants on July 5, 2023. Applications must be received by 11:59 p.m. Sunday, December 31, 2023.

Questions concerning the rebate program can be directed to Heidi Kunsch at [hekunsch@pa.gov](mailto:hekunsch@pa.gov) or (717) 214-4243.

RICHARD NEGRIN,  
*Secretary*

[Pa.B. Doc. No. 23-849. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Expired Voucher Renewal Application Solicitation for Driving PA Forward's Onroad Rebate Program

The Department of Environmental Protection (Department) announces this opportunity to apply for renewal of expired Onroad Rebate vouchers issued during the calendar years (CY) 2021-2022 Onroad Rebate Program (Program) (August 2021—March 2022). The Program is one of the programs funded under the Driving PA Forward Initiative. This opportunity to retain funding is only available to those voucher holders with expired vouchers from the CY 2021-2022 program year (August 2021—March 2022) who are still actively working on completing

their approved diesel emissions reduction project or who completed their project after voucher expiration.

Voucher renewals will cover only those vehicle replacements and associated costs, as identified in the original CY 2021-2022 Program application and award. No new costs, project modifications or inflation of original vehicle price quotes (from 2021—2023 levels) will be considered.

This application solicitation is only available to those with expired CY 2021-2022 Program vouchers issued by the Department. Applicants wishing to apply for rebate funding for a new diesel emissions reduction project must wait until the CY 2022-2023 Program application solicitation period opens to do so. The CYs 2022-2023 Program application period is expected to open within 4 weeks of the closing of this application period.

The Department will not reimburse rebate recipients for project costs incurred prior to the date of the original rebate application or after the voucher expiration date.

The Program guidelines and application instructions are available on the Department's Driving PA Forward web site at <http://www.depgis.state.pa.us/DrivingPAForward/> or by contacting the Bureau of Air Quality at [RA-VWMITIGATION@pa.gov](mailto:RA-VWMITIGATION@pa.gov) or (717) 787-9495.

A recorded presentation providing an overview of the Program and application process is available on the Department's Driving PA Forward web site. Applicants may use the contact information to submit questions or request clarification about information presented in the presentation or Program documents.

Applications must be submitted through the Department of Community and Economic Development's Electronic Single Application web site, eGrants, at <https://www.esa.dced.state.pa.us/Login.aspx>. The application period for the CY 2021-2022 Program expired voucher renewals will open on June 30, 2023, and close at 11:59 p.m. on July 14, 2023.

RICHARD NEGRIN,  
*Secretary*

[Pa.B. Doc. No. 23-850. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed General Plan Approval and/or General Operating Permit for Coal-Mine Methane Enclosed Flares (BAQ-GPA/GP-21); Public Comment Opportunity; (2700-PM-BAQ0xxx)

The Department of Environmental Protection (Department) announces the opportunity for public comment on the proposed General Plan Approval and/or General Operating Permit for Coal-Mine Methane Enclosed Flares (BAQ-GPA/GP-21).

Notice of availability of related documents and opportunity to submit comments for GP-21 will be published in the *Pennsylvania Bulletin* and in six newspapers of general circulation and sent to nearby states and the United States Environmental Protection Agency in full compliance with 25 Pa. Code § 127.612(a) (relating to public notice and review period).

The proposed GP-21 was developed under the authority of section 6.1(f) of the Air Pollution Control Act (35 P.S.

§ 4006.1(f) and 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and operating permits) and will be applicable and limited to emissions from coal-mine methane enclosed flares.

The general permit includes Best Available Technology requirements to meet emission limits for oxides of nitrogen (NO<sub>x</sub>) and carbon monoxide (CO).

The general permit includes initial and periodic scheduled visible emissions monitoring. The general permit also includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable Federal and State air quality requirements, such as: records of maintenance performed, municipal notifications, malfunction reporting and annual facility inventory reporting. Records required must be maintained onsite or at the nearest local field office for a minimum of 5 years. The general permit includes a General Plan Approval and General Operating Permit application fee of \$2,900 required to authorize the construction and operation of sources. The general permit also includes a renewal fee of \$1,125, an annual operating permit maintenance fee of \$500, a transfer of ownership fee of \$500 and an administrative amendment fee of \$500.

The term for the general permit is 5 years and authorization can be renewed before the expiration date.

Relevant documents are available on the Department's web site at [depgreenport.state.pa.us/elibrary/](http://depgreenport.state.pa.us/elibrary/) or by contacting David Clark, P.O. Box 8468, Harrisburg, PA 17105, (717) 772-3942, [davclark@pa.gov](mailto:davclark@pa.gov).

The Department must receive comments no later than August 15, 2023. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Written comments may be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Proposed GP-21" as the subject line in written communication.

RICHARD NEGRIN,  
*Secretary*

[Pa.B. Doc. No. 23-851. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. § 4000.902). \$16.3 million in grants were awarded to 80 municipalities outlined as follows.

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712), also known as the Financially Distressed Municipalities Act, are eligible for 100% of approved costs. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472.

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
<i>Southeast Region</i>			
1	Bristol Township Bucks County	Recycling and Yard Waste Collection and Education	\$195,259
2	Perkasie Borough Bucks County	Recycling Center	\$325,550
3	East Goshen Township Chester County	Curbside Recycling Collection Program	\$168,000
4	West Bradford Township Chester County	Leaf and Yard Waste Composting Program	\$203,760
5	West Brandywine Township Chester County	Curbside Recycling Collection Program	\$344,277
6	Aston Township Delaware County	Curbside Collection Program	\$221,818
7	Clifton Heights Borough Delaware County	Curbside Collection and Education Program	\$15,988
8	Delaware County Solid Waste Authority Delaware County	Recycling Education and Countywide Drop-off Programs	\$9,438
9	Media Borough Delaware County	Food Waste Composting	\$36,379

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
10	Middletown Township Delaware County	Curbside Collection Programs	\$4,077
11	Nether Providence Delaware County	Recycling and Yard Waste Collection Programs	\$314,911
12	Prospect Park Borough Delaware County	Recycling and Yard Waste Collection and Education Programs	\$30,520
13	Ridley Township Delaware County	Recycling Collection Program	\$182,509
14	Cheltenham Township Montgomery County	Curbside Recycling Collection Program	\$350,000
15	Conshohocken Borough Montgomery County	Curbside Recycling Collection Program	\$222,968
16	Montgomery County Rec. Consortium Montgomery County	Recycling Transfer Facility	\$350,000
17	Springfield Township Montgomery County	Leaf and Yard Waste Processing Program	\$350,000
<i>Northeast Region</i>			
18	Archbald Borough Lackawanna County	Recycling Education and Curbside Leaf Waste Collection Programs	\$327,213
19	Covington Township Lackawanna County	Recycling Center	\$68,070
20	Old Forge Borough Lackawanna County	Leaf Waste and Curbside Recycling Programs	\$303,679
21	South Whitehall Township Lehigh County	Leaf Waste Collection Program	\$316,575
22	City of Pittston Luzerne County	Curbside Recycling Program	\$290,877
23	Forty Fort Borough Luzerne County	Compost Center	\$214,128
24	Hanover Township Luzerne County	Recycling Education and Curbside Recycling Programs	\$44,757
25	Wright Township Luzerne County	Compost Center	\$350,000
26	Smithfield Township Monroe County	Compost Center and Curbside Leaf Waste Collection Programs	\$274,680
27	Stroud Township Monroe County	Curbside Center and Curbside Leaf Waste Collection Programs	\$342,112
28	Allen Township Northampton County	Recycling Education and Curbside Leaf Waste Collection Programs	\$344,164
29	Borough of Hellertown Northampton County	Leaf Waste Drop-off Site	\$24,462
30	Borough of Walnutport Northampton County	Leaf Waste Drop-off Site	\$191,336
31	Lehigh Township Northampton County	Leaf Waste Drop-off Site	\$39,754
32	Lehman Township Pike County	Leaf Waste Drop-off Site	\$198,842
33	Rush Township Schuylkill County	Compost Center	\$350,000
34	Susquehanna County Susquehanna County	Recycling Center	\$99,160
35	Wyoming County Wyoming County	Recycling Center	\$35,675
<i>Southcentral Region</i>			
36	Gettysburg Borough Adams County	Leaf Waste and Recycling Collection and Recycling Education Programs	\$306,895

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
37	Amity Township Berks County	Leaf Waste Processing, Curbside Collection and Education Programs	\$259,124
38	Shillington Borough Berks County	Leaf Waste and Recycling Collection, Education and Ordinance Updates	\$117,067
39	West Reading Borough Berks County	Leaf Waste Collection and Processing and Recycling Education Programs	\$349,960
40	Bern Township Berks County	Leaf Waste Facility and Recycling Education Programs	\$279,951
41	Antis Township Blair County	Leaf Waste and Recycling Collection, Drop-off and Education Programs	\$350,000
42	Silver Spring Township Cumberland County	Leaf and Yard Waste Facility	\$350,000
43	Dauphin County SWM and Recycling Dauphin County	Recycling Education and Processing Programs	\$55,354
44	Susquehanna Township Dauphin County	Yard Waste Processing Program	\$65,250
45	Montgomery Township Franklin County	Leaf and Yard Waste Processing and Ordinance Updates	\$300,255
46	Columbia Borough Lancaster County	Leaf and Yard Waste Processing Program	\$350,000
47	Lititz Borough Lancaster County	Leaf Waste Collection Program	\$109,697
48	Penn Township Lancaster County	Leaf Waste Programs, Ordinance Updates and Education Programs	\$350,000
49	Warwick Township Lancaster County	Leaf and Yard Waste Processing Program	\$350,000
50	Annville Township Lebanon County	Leaf, Yard Waste and Recycling Drop-off Programs	\$237,870
51	South Londonderry Township Lebanon County	Leaf Waste Collection Program	\$350,000
<i>Northcentral Region</i>			
52	Benner Township Centre County	Leaf and Yard Waste Programs	\$271,011
53	Patton Township Centre County	Leaf and Yard Waste Programs	\$350,000
54	Clearfield County Clearfield County	Recycling Education Program	\$55,080
55	City of Lock Haven Clinton County	Municipal Recycling Drop-off and Recycling Education Programs	\$40,500
56	Town of Bloomsburg Columbia County	Yard Waste Collection and Processing and Recycling Education Programs	\$350,000
57	Danville Borough Montour County	Curbside Collection and Recycling Education Programs	\$14,871
58	Kulpmont Borough Northumberland County	Curbside Collection and Drop-off Recycling Programs	\$322,454
59	Ralpho Township Northumberland County	Leaf and Yard Waste Programs	\$297,135
60	Watsontown Borough Northumberland County	Leaf and Yard Waste Programs	\$52,870
61	Potter County Solid Waste Authority Potter County	Recycling Curbside Collection and Drop-off Programs	\$130,000
62	Monroe Township Snyder County	Municipal Compost Site and Recycling Education Programs	\$158,166
<i>Southwest Region</i>			
63	Midland Borough Beaver County	Leaf Waste Collection, Drop-off and Recycling Education Programs	\$139,500

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
64	Beaver Falls City Beaver County	Curbside Collection and Recycling Education Programs	\$171,000
65	Brighton Township Beaver County	Drop-off Recycling and Recycling Education Programs	\$9,450
66	Westmont Borough Cambria County	Leaf Waste Collection Program	\$104,466
67	Connellsville Township Fayette County	Yard Waste Composting, Recycling Collection and Education Programs	\$64,800
68	South Connellsville Borough Fayette County	Yard Waste Composting, Recycling Collection and Education Programs	\$270,000
69	South Union Township Fayette County	Yard Waste Composting, Recycling Collection and Education Programs	\$315,000
70	Somerset County Somerset County	Drop-off Recycling Program	\$35,089
71	New Kensington City Westmoreland County	Curbside Collection Program	\$162,775
72	Westmoreland County Westmoreland County	Recycling Center	\$33,243
<i>Northwest Region</i>			
73	Evans City Borough Butler County	Curbside Recycling and Yard Waste Collection Programs	\$132,857
74	Crawford County Solid Waste Authority Crawford County	Comprehensive Recycling Education Program	\$346,500
75	City of Titusville Crawford County	Yard Waste Collection and Processing Programs	\$334,498
76	Johnsonburg Borough Elk County	Drop-off Recycling Collection Program	\$41,557
77	Corry City Erie County	Yard Waste Collection Program	\$310,212
78	Summit Township Erie County	Curbside Recycling Collection Program	\$211,395
79	Wesleyville Borough Erie County	Yard Waste Collection Program	\$193,902
80	Lawrence County Lawrence County	Recycling Education Program	\$42,778

RICHARD NEGRIN,  
*Secretary*

[Pa.B. Doc. No. 23-852. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exceptions

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.7 (relating to basement or cellar):

Pleasant Ridge Manor—West  
8300 West Ridge Road  
Girard, PA 16417  
FAC ID # 311002

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-853. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C. § 300ff-26), will hold a public teleconference meeting on Thursday, July 20, 2023, from 10 a.m. to 12 p.m. Persons may participate by dialing in by location at (412) 648-8888 or (866) 588-4789. The meeting ID is 187 298 499#. The meeting will begin promptly at 10 a.m. and participants are urged to call in by 9:50 a.m. Attendees can participate in the conference call on location at the Bureau of Communicable Diseases, 625 Forster Street, Harrisburg, PA 17120. In-person participants are asked to RSVP to Sandy Brosius by e-mail to [sabrosius@pa.gov](mailto:sabrosius@pa.gov) or by phone at (717) 547-3419 by close of business on July 19, 2023. Upon arrival, sign in at the front desk in the lobby of the building by 9:45 a.m. to await an escort to the meeting room.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary, covered lab services, drug utilization review, clinical programs, eligibility and program management.

For additional information, contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419. For persons with speech and/or hearing impairment call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without prior notice.

DR. DEBRA L. BOGEN,  
Acting Secretary

[Pa.B. Doc. No. 23-854. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Designated Exceptional Durable Medical Equipment

In accordance with the Department of Human Services' (Department) currently approved State Plan, the Department is required to publish an annual list of exceptional Durable Medical Equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year for nursing facilities Statewide. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2022, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. It may have a Gore-Tex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semielectric or total electric bed with a fully integrated powered pressure-reducing mattress, which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. It may have a Gore-Tex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation).

(3) *Augmentative communication devices*. Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies)*.

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

*Effective Date*

This notice is effective upon publication in the *Pennsylvania Bulletin*.

*Public Comment*

Interested persons are invited to submit petitions for the Department to consider additions to the exceptional DME list or written comments regarding these designated DME items to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Erica Justice, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1576. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-855. Filed for public inspection June 30, 2023, 9:00 a.m.]

**DEPARTMENT OF LABOR AND INDUSTRY**

**Current Prevailing Wage Act Debarments**

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date of publication in the *Pennsylvania Bulletin*.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Aaron's Roofing and Construction, LLC Aaron Gebadlo, individually FEIN No. 81-1214454	817 West 51st Street Erie, PA 16509	July 1, 2023

NANCY WALKER,  
*Secretary*

[Pa.B. Doc. No. 23-856. Filed for public inspection June 30, 2023, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Adjustment of Program Service Revenue Amounts**

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P.S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

(1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.

(2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.

(3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.

(4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.

(5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.

(6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.

(7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.

(8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.

(9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.

(10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.

(11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.

(12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.

(13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.

(14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.

(15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.

(16) Effective July 1, 2014—Program Service Revenues—\$11,725,787.

(17) Effective July 1, 2015—Program Service Revenues—\$11,843,045.

(18) Effective July 1, 2016—Program Service Revenues—\$11,961,475.

(19) Effective July 1, 2017—Program Service Revenues—\$12,081,090.

(20) Effective July 1, 2018—Program Service Revenues—\$12,201,901.

(21) Effective July 1, 2019—Program Service Revenues—\$12,323,920.

(22) Effective July 1, 2020—Program Service Revenues—\$12,447,159.

(23) Effective July 1, 2021—Program Service Revenues—\$12,571,631.

(24) Effective July 1, 2022—Program Service Revenues—\$12,697,347.

(25) Effective July 1, 2023—Program Service Revenues—\$12,824,320.

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-857. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Realty Transfer Tax; 2022 Common Level Ratio Real Estate Valuation Factors; July 2023

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2022. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2023, to June 30, 2024. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>CLR Factor</i>
Adams	1.19
Allegheny	1.83
Armstrong	2.20
Beaver	6.80
Bedford	1.58
Berks	2.51
Blair	1.10
Bradford	4.78
Bucks	14.93
Butler	15.38
Cambria	6.99
Cameron	4.95
Carbon	4.81
Centre	5.41
Chester	2.78
Clarion	3.89
Clearfield	7.52
Clinton	1.71
Columbia	6.25
Crawford	5.24
Cumberland	1.24
Dauphin	2.15
Delaware	1.52
Elk	4.55

<i>County</i>	<i>CLR Factor</i>
Erie	1.58
Fayette	2.04
Forest	6.25
Franklin	11.63
Fulton	4.35
Greene	2.58
Huntingdon	7.19
Indiana	1.11
Jefferson	3.92
Juniata	9.90
Lackawanna	14.71
Lancaster	1.66
Lawrence	1.86
Lebanon	1.59
Lehigh	1.76
Luzerne	1.44
Lycoming	1.95
McKean	1.74
Mercer	7.69
Mifflin	3.91
Monroe	1.78
Montgomery	2.82
Montour	1.98
Northampton	5.15
Northumberland	9.17
Perry	1.51
Philadelphia	1.00
Pike	9.62
Potter	5.56
Schuylkill	4.37
Snyder	9.52
Somerset	4.74
Sullivan	1.96
Susquehanna	5.10
Tioga	2.12
Union	1.92
Venango	1.74
Warren	5.88
Washington	1.33
Wayne	1.00
Westmoreland	10.00
Wyoming	7.46
York	1.76

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-858. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Retail Incentive Program and Related Retailer Incentive Programs and Promotions for Fiscal Year 2023-2024

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), and under Title 4, Amusements, (4 Pa.C.S. §§ 501—505) the Secretary of Revenue hereby provides public notice of the Retail Incentive Program and Related Retailer Incentive Programs and Promotions (collectively referred to as “the Program”) for fiscal year 2023-2024.

This notice describes the Program, including incentives, bonuses, and promotions available to Retailers throughout fiscal year 2023-2024.

1. *Effective Date*: The Retail Incentive Program and related retailer incentive programs and promotions described herein are effective as of July 1, 2023.

2. *Purpose*: The Pennsylvania Lottery (“Lottery”) hereby gives notice of the Retail Incentive Program, as provided for in 4 Pa.C.S. § 504, and of related retailer incentive programs, as provided for in 61 Pa. Code § 803.11 (relating to the powers and duties of the Secretary of Revenue), 61 Pa. Code § 819.222(b) (relating to incentives for the sale of instant tickets), 61 Pa. Code § 875.17 (relating to the sale of terminal based tickets), 61 Pa. Code § 874.17 (relating to the sale of raffle lottery games) and 61 Pa. Code § 876.18 (relating to the sale of iLottery games) in order to detail programs planned by the Lottery for the fiscal year beginning July 1, 2023 and ending June 30, 2024. The Retail Incentive Program and the related retailer incentive programs and promotions, as described in this notice, were developed to create a comprehensive compensation package for Lottery Retailers and to reward them for helping the Lottery achieve its goals. Changes or additions to the Retail Incentive Program will be communicated through an amended notice published in the *Pennsylvania Bulletin*. Changes or additions related to the retailer incentive programs and promotions as described in this notice will be communicated through the usual methods of communication.

#### 3. Definitions:

(a) *Agent or Lottery Sales Agent or Retailer*: A person licensed under section 305 of the State Lottery Law. For the purposes of this notice each separate Retail Location with a separate Lottery license shall be considered a separate Retailer in all respects.

(b) *Fiscal Year*: For the purposes of this notice only, the accounting year used by the Lottery beginning on July 1, 2023 and ending on June 30, 2024.

(c) *Lottery or Pennsylvania Lottery*: The Lottery established under the State Lottery Law.

(d) *Traditional Lottery Products*: For the purposes of this notice, traditional lottery products are limited to instant lottery games, terminal-based lottery games, Fast Play games, raffle lottery games and WebCash sold by a lottery Retailer at a physical Retail Location.

(e) *Retailer in Good Standing*: To be a Retailer in Good Standing, the Retailer must meet all of the following requirements:

(1) Must be an active Retailer permitted to sell Lottery tickets.

(2) Must be an active Retailer on the first day of the Quarter and the last day of the Quarter.

(f) *Secretary*: The Secretary of Revenue of the Commonwealth.

(g) *Standard Retailer Commission*: The amount of compensation provided to Retailers for selling Lottery products, as set forth in the State Lottery Law and the corresponding regulations. The current commission is defined in 61 Pa. Code § 805.10 (relating to compensation).

(h) *State Lottery Law*: The Act of August 26, 1971 (P.L. 351, No. 91), known as the State Lottery Law (72 P.S. §§ 3761-101—3761-314).

(i) *Quarter*: A Quarter is a period of time during the year which consists of three consecutive months and which are consistent with the descriptions below.

(1) First quarter is the period of time beginning on July 1 and ending on September 30.

(2) Second quarter is the period of time beginning on October 1 and ending on December 31.

(3) Third quarter is the period of time beginning on January 1 and ending on March 31.

(4) Fourth quarter is the period of time beginning on April 1 and ending on June 30.

(j) *Retail Location*: Physical location of a Retailer, including a physical address or other designation used by the Lottery to determine the physical location of a Retailer.

4. *Program Goals*: The Lottery seeks to attain the following business goals through the operation of the Program:

(a) *Adoption of Lottery Best Practices*: The Lottery has identified certain best practices as described in section 5, below, and desires to encourage the adoption of these best practices by all Retailers.

(b) *Increasing Retailer Sales*: Traditional Lottery Products can only be sold at physical, Retail Locations and the Lottery desires to award Retailers who increase their sales for the benefit of older Pennsylvanians through the Retail Incentive Program, retailer incentive programs and promotions.

(c) *Encouraging Retailers to Engage in Specific Best Practices*: The Lottery has undertaken to establish the Lottery Best Practices Initiatives as identified in section 9, below, in select Retail Locations throughout the Commonwealth that elect to do so through the Program.

(d) *Rewarding Retailers*: The Lottery has established an aggressive bonus program under the Sales Growth Incentive Program as described in section 8, below, for Retailers who increase their sales proportionately with the overall increase in sales goals the Lottery has established for fiscal year 2023-2024.

#### 5. Lottery Best Practices:

(a) Lottery has identified the following ten best practices that Lottery Retailers are encouraged to adopt and adhere to maximize Traditional Lottery Product sales and player engagement at their Retail Locations:

(1) *Ask for the Sale*: Encourage customers to buy Traditional Lottery Products.

(2) *Keep Lottery Fresh and Clean*: Maintain and keep clean the area of their establishment in which Traditional Lottery Products are sold and displayed.

(3) *Know Lottery Products*: Be knowledgeable about the wide variety of Traditional Lottery Products.

(4) *Pay Winning Tickets*: Pay winning Lottery tickets of \$2,500 or less, that players present at their Retail Locations.

(5) *Post Winning Tickets*: Post winning tickets sold at their Retail Locations.

(6) *Maintain Inventory*: Maintain their inventory of Traditional Lottery Products, specifically instant tickets, and introduce new Traditional Lottery Products promptly upon issuance.

(7) *Post Jackpot Amounts*: Post jackpot amounts prominently in places where they are highly visible to customers.

(8) *Make Lottery Visible*: Make Traditional Lottery Products easily visible in their Retail Locations.

(9) *Display Indoor Signs*: Post Lottery signs and advertisements inside of their Retail Locations.

(10) *Display Outdoor Signs*: Post Lottery signs and advertisements outside of their Retail Locations.

(b) To meet the goals of the Lottery and to encourage the Lottery Best Practices described in section 5(a), above, the Lottery provides each Retailer with Lottery-owned equipment and advertising materials based upon the individual retail environment.

#### 6. Program Requirements:

(a) Unless otherwise stated in this notice, to participate in the Program, the Retailer must be a Retailer in Good Standing.

(b) The determination of a Retailer's eligibility for participation will be made at the end of each Quarter of the Program for the fiscal year beginning on July 1, 2023 and ending on June 30, 2024.

(1) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of September 30, 2023 for the first quarter.

(2) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of December 31, 2023 for the second quarter.

(3) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of March 31, 2024 for the third quarter.

(4) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of June 30, 2024 for the fourth quarter.

(c) A Retailer may be eligible to participate in and receive the incentives provided in section 8, below, for each Quarter in which the Retailer satisfies the eligibility requirements of this section and the requirements of section 8.

(d) A Retailer may be eligible to participate in and receive the incentives provided in section 9, below, one time during the Fiscal Year if the Retailer satisfies the eligibility requirements of this section and the requirements of section 9 and is approved for participation.

(e) A Retailer is only eligible for participation in the Program for those Quarters in which the Retailer remains eligible for the entire Quarter. Failure to maintain the

requirements of a Retailer in Good Standing for any reason for any Quarter shall preclude the Retailer from receiving any payment or payments that the Retailer would otherwise be entitled to for that Quarter.

(f) The final determination of a Retailer's eligibility will be made by the Secretary, whose judgment will be final and binding.

#### 7. How to Enroll:

(a) Licensed Retailers are automatically enrolled in the Sales Growth Incentive Program as described in section 8, below, and the Quarterly Retailer Incentive Promotions as described under section 10 of this notice.

(b) Retailers who do not wish to participate in the Sales Growth Incentive Program must sign a form indicating that the Retailer understands and acknowledges that the Retailer will not receive incentives as described under section 8 of this notice.

(c) Participation in the Lottery Best Practices Initiatives is voluntary on the part of each Retailer and requires the Retailer to opt-in as described in this notice.

(d) Retailers who wish to enroll in one or more of the Lottery Best Practices Initiatives are responsible for:

(1) Reading and understanding this notice;

(2) Reading any Lottery materials describing the Lottery Best Practices Initiatives; and

(3) Communicating interest in participation in one or more of the Lottery Best Practices Initiatives to the Lottery through their Lottery Sales Representative or by emailing the Lottery at PALotteryRetailIncentive@pa.gov.

8. *Sales Growth Incentive Program*: Retailers may qualify for a Sales Growth Incentive, in addition to the Standard Retailer Commission, by meeting the requirements of this section.

(a) The Lottery will establish a sales baseline for each Retailer.

(1) For a Retailer existing in fiscal year 2022-2023, the Lottery will establish a sales baseline for each Retailer based on that Retailer's fiscal year 2022-2023 sales for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice.

(2) If the Retail Location was not licensed as a Retailer in fiscal year 2022-2023, the Lottery will establish a sales baseline for that Retailer for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice. The Lottery may consider any relevant factors to determine the sales baseline.

(3) If the Retailer was not a licensed Retailer for the entirety of any Quarter in fiscal year 2022-2023, the Lottery will establish a sales baseline for that Retailer for the corresponding Quarter based on sales at the Retail Location for the same Quarter in fiscal year 2022-2023.

(b) Sales baseline figures may account for periods in which the Retailer did not have Traditional Lottery Product sales but met the definition of Retailer in Good Standing.

(c) Each Retailer shall be provided with their sales baseline figures and sales goals by the Lottery in writing.

(d) A Retailer who exceeds their prior year sales figure by at least 0.01%, but not more than 3.99%, for any Quarter in the Fiscal Year to which this notice applies, shall be awarded an additional 0.75% incentive above the

Standard Retailer Commission. For example, assuming that the Retailer has met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 0.01% to \$100,010, shall be entitled to the Sales Growth Incentive of 0.75% in addition to the Standard Retailer Commission and will be entitled to a Sales Growth Incentive payment of \$750.08. With the Standard Retailer Commission of \$5,000.50 on sales of \$100,010, the Retailer would receive a total payment of \$5,750.58 for that Quarter.

(e) A Retailer who exceeds their sales baseline figure for any Quarter by at least 4% shall be awarded an additional 1.50% incentive above the Standard Retailer Commission. For example, assuming that the Retailer has met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 4% to \$104,000, shall be entitled to a 1.50% incentive in addition to the Standard Retailer Commission and will be entitled to Sales Growth Incentive payment of \$1,560. With the Standard Retailer Commission of \$5,200 on sales of \$104,000, the Retailer would receive a total payment of \$6,760 for that Quarter.

(f) A Retailer shall not receive an incentive above 1.50% for any Quarter under section 8 of this notice.

#### 9. Lottery Best Practices Initiatives:

(a) *Qualifying Retailers:* In order to participate in one or more of the Lottery Best Practices Initiatives as described below, the Retailer must meet the eligibility requirements as set forth in section 6 of this notice. Only Retailers who agree to participate and are approved by the Lottery shall be eligible for the Lottery Best Practices Initiatives. Retailers that are engaging in the best practices or who have already received Lottery-owned equipment or materials listed below are not eligible to participate in the applicable initiatives unless they are increasing their level of engagement relative to a specific initiative.

(b) *Levels of Participation:* Consistent with the Lottery's objectives, qualifying Retailers will fall into one of three levels for participation in the Lottery Best Practices Initiatives, as follows:

(1) *Level 1 Retailer:* A Retailer that has a Quarterly average of \$90,000 or more in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2022 and ending on June 30, 2023 or a Retailer that is part of a Retail Chain as defined by the Pennsylvania Lottery.

(2) *Level 2 Retailer:* A Retailer that has a Quarterly average of less than \$90,000 in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2022 and ending on June 30, 2023.

(3) *Level 3 Retailer:* A Retailer that meets all of the following criteria:

(i) The prospective Retailer submitted a complete application, in addition to any other forms and agreements that must be completed by prospective Retailers, to become a Lottery Retailer during the third quarter of fiscal year 2022-2023; the fourth quarter of fiscal year 2022-2023; or fiscal year 2023-2024.

(ii) The proposed Retail Location was not a licensed Retailer in fiscal year 2022-2023.

(iii) The application is approved by the Lottery in fiscal year 2023-2024.

(c) *Enrollment in the Lottery Best Practices Initiatives:* A Retailer who wants to participate in one or more of the Lottery Best Practices Initiatives must opt-in by April 1, 2024.

(d) *Schedule for Delivery of Materials and Equipment:* For each Retailer that has opted-in to one or more of the Lottery Best Practices Initiatives and has been approved for participation, the Lottery will determine when the materials or Lottery-owned equipment, as applicable, for each of the Lottery Best Practices Initiatives will be delivered. Delivery and installation dates will be scheduled at the Lottery's discretion. Delivery and installation dates may occur in the subsequent fiscal year.

(e) *Lottery Best Practices Initiatives:*

(1) The following Lottery Best Practices Initiatives are available to Level 1 Retailers upon approval for participation by the Lottery:

(i) *Increased Counter Facings Initiative:*

(A) Level 1 Retailers are required to increase their counter facings by 12 and agree to maintain the display in such a way as to prevent anything from impeding the view of the increased facings.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$500 following agreement and approval to participate in the Increased Counter Facings Initiative for Level 1 Retailers.

(ii) *Designated Lottery Space Initiative:*

(A) Level 1 Retailers that agree to participate in the Designated Lottery Space Initiative must create and maintain a physical location within the Retail Location designated for customers to play the lottery and agree to install and maintain the Lottery-owned equipment.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Designated Lottery Space Initiative for Level 1 Retailers.

(iii) *Winner Awareness Area Initiative:*

(A) Level 1 Retailers that agree to participate in the Winner Awareness Area Initiative must create and maintain a physical location within the Retail Location, of a minimum of 6 square feet, designated to display winning tickets paid by the Retailer and must update the area with tickets paid by the Retailer on a monthly basis.

(B) The Lottery will provide the Retailer with the materials necessary to display winning tickets.

(C) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Winner Awareness Initiative for Level 1 Retailers.

(iv) *Signage Initiative:*

(A) Level 1 Retailers that agree to participate in the Signage Initiative must increase and maintain the amount of Lottery provided indoor and outdoor signage displayed at the Retail Location above the amount the Retailer displays prior to agreeing to participate in the Signage Initiative.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Signage Initiative for Level 1 Retailers.

(v) *Second-Chance Drawing Initiative:*

(A) A Level 1 Retailer that agrees to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Level 1 Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The

Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 1 Retailers that agree to participate in the Second-Chance Drawing Initiative must also supply a prize, not otherwise prohibited by law that matches or exceeds the monetary value of the Lottery coupons or promotional tickets provided to support the drawing. The prize supplied by the Retailer may be made using money, merchandise or any other item of value provided by the Retailer.

(D) Level 1 Retailers are eligible to receive the Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 1 Retailers.

(E) Level 1 Retailers that participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 1 Retailer.

(vi) *All-In Initiative:*

(A) Level 1 Retailers that agree to participate in the All-In Initiative must conduct each of the Lottery Best Practices Initiatives as described in section 9(e)(1)(i)—(v) for Level 1 Retailers.

(B) Level 1 Retailers are eligible to receive a one-time total payment of \$2,000, which includes a \$450 All-In Initiative bonus, as well as up to \$100 worth of Lottery coupons or promotional tickets used to support the Second-Chance Drawing Initiative, following agreement and approval to participate in the All-In Initiative for Level 1 Retailers.

(2) The following Lottery Best Practices Initiatives are available to Level 2 Retailers upon approval by the Lottery:

(i) *Ask for the Sale Initiative:*

(A) A Level 2 Retailer that agrees to participate in the Ask for the Sale Initiative must conduct an Ask for the Sale promotion at the Retail Location once during the Fiscal Year.

(B) To conduct an Ask for the Sale promotion, the Level 2 Retailer must agree to ask every customer to purchase a Lottery ticket during the agreed upon time frame and must display Lottery provided materials advertising the promotion.

(C) Level 2 Retailers shall receive up to \$100 worth of Lottery coupons or promotional tickets to support the promotion by awarding any player not asked to purchase a Lottery ticket, a Lottery coupon or promotional ticket.

(D) Level 2 Retailers who opt-in to the Second-Chance Drawing Initiative as described in section 9(e)(2) are not eligible for the Ask for the Sale Initiative.

(ii) *Second-Chance Drawing Initiative:*

(A) Level 2 Retailers that agree to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 2 Retailers are eligible to receive Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 2 Retailers.

(D) Level 2 Retailers who participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(E) Level 2 Retailers are not eligible to participate in the Second-Chance Drawing Initiative if the same Retailer opted-in and was approved for the Ask for the Sale Initiative as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 2 Retailer.

(3) Level 3 Retailers are eligible for the Prospective Social Environment Retail Recruitment Initiative as described below, upon approval of the Lottery:

(i) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must meet the requirements of a Level 3 Retailer as described in section 9(b)(3).

(ii) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must agree to the installation of Lottery-owned equipment, as recommended by the Lottery for the specific Retail Location. Required Lottery-owned equipment includes, but is not limited to, at least two monitors for the display of certain terminal-based Lottery games, commonly referred to as monitor games.

(iii) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must be a Retailer in Good Standing for 6 months following the installation of the Lottery-owned equipment.

(iv) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must keep the Lottery-owned equipment installed and operational for 6 months following the installation of the Lottery-owned equipment.

(v) Level 3 Retailers are eligible to receive a one-time payment of \$500 for each monitor installed, following agreement and approval to participate in the Prospective Social Environment Retail Recruitment Initiative.

(vi) All Lottery-owned equipment to be installed shall be determined by the Lottery. Level 3 Retailers may request certain equipment be placed in their Retail Location. The ultimate decision as to the type of Lottery-owned equipment, number of monitors, and the like, that will be placed in a Retail Location is at the sole discretion of the Lottery.

(vii) Level 3 Retailers who agree to participate in the Prospective Social Environment Retail Recruitment Initiative must acknowledge and agree to the terms of the Prospective Social Environment Retail Recruitment Ini-

tative. The Lottery is authorized to deduct \$500 for each monitor installed from the Retailer's bank account as part of the Retailer's weekly settlement process if the Retailer fails to have the Lottery-owned equipment installed and operational for a period of 6 months from the date of installation or if the Retailer fails to maintain its status as a Retailer in Good Standing.

(f) If a Level 2 Retailer reaches the thresholds of a Level 1 Retailer in Traditional Lottery Product sales for either the first or second quarter during the Fiscal Year, the Retailer may apply for the respective Lottery Best Practices Initiatives for the newly achieved Retailer level. If approved by the Lottery for participation in the specific Lottery Best Practices Initiatives, the Retailer shall be entitled to the same cash payment, if any, associated with the specific Lottery Best Practices Initiatives participated in by the Retailer.

(g) Notwithstanding any other provision of this notice, the Lottery may determine, in its sole discretion, that every Retailer in the Retail Chain is eligible for the Lottery Best Practice Initiatives set forth in 9(e)(1)(i)—(vi). Retail Chain shall be defined as Retailers who have five (5) or more locations under the same employee identification number and has been designated as a corporate chain by the Lottery.

10. *Quarterly Retailer Incentive Promotions:*

(a) The Lottery will conduct Quarterly incentive promotions that provide Retailers with an opportunity to earn a reward by conducting various promotions related to the sale of Traditional Lottery Products.

(b) The Lottery will advise Retailers of the Quarterly incentive promotions through Lottery sales-terminal messages, information provided by Lottery Sales Representatives and information provided on the Retailer's Corner of the Lottery web site, <https://www.palottery.state.pa.us/About-PA-Lottery/For-Retailers/Current-Retailers.aspx>.

(c) The rewards to Retailers issued through the Quarterly incentive promotions may include, but are not limited to, bonus commissions and entries into drawings.

11. *Funds for the Retail Incentive Program:* For fiscal year 2023-2024 the Pennsylvania Lottery caps expenditures of the Sales Growth Incentive Program as described in section 8, above, the Lottery Best Practices Initiatives as described in section 9, above, and the Quarterly Retailer Incentive Promotions as described in section 10, above, to the statutory requirement of 0.5% of the sale of Traditional Lottery Products at Retail Locations within fiscal year 2022-2023 as required pursuant to 4 Pa.C.S. § 504(b).

12. *Nonlapse:* Amounts remaining in the Retail Incentive Program at the end of the Fiscal Year shall not lapse, but shall be used to fund retail sales initiatives including, but not limited to, new equipment, signage, training, coupons, consumer and agent in-store promotions and sales makeovers that are designed to improve in-store merchandising, foot traffic and sales as determined by the Lottery.

13. *Retailer Incentive Programs and Promotions:*

(a) The Pennsylvania Lottery is authorized to offer retailer incentive programs and promotions pursuant to 61 Pa. Code § 811.41. Any expenditures for the Program incurred by the Lottery that exceed the limit set forth at

4 Pa.C.S. § 504(b) in section 11, above, will be attributed to retailer incentive programs and promotions authorized pursuant to 61 Pa. Code § 811.41.

(b) The Retail Incentive Program will run concurrently and in conjunction with the retailer incentive programs and promotions described in this notice.

14. *Payments:* Payments due to Retailers pursuant to the requirements of the Retail Incentive Program and the related retailer incentive programs and promotions described in this notice will be credited to the Retailer at a time or times determined by the Lottery.

15. *Applicability:* This notice applies only to the Retail Incentive Program for the fiscal year beginning on July 1, 2023 and ending on June 30, 2024 and the related retailer incentive programs and promotions described in this notice. Additional related retailer incentive programs, promotions and customer referral programs may be conducted throughout the Fiscal Year pursuant to the State Lottery Law and corresponding regulations and will be communicated through normal methods of communication.

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-859. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

State Route 0022 Sec 495, Parcel No. 37, Tax ID # 40-004-105.00, located in East Wheatfield Township, Indiana County. The parcel contains approximately ± 22,651 square feet or ± 0.52 acre of unimproved land situated at Station ± 11 + 492.5 LT to Station ± 11 592.5 + 00 LT traveling east bound on Route 22, identified in the RW plan SR 0022 Seg 495. The property will be sold in "as-is condition." The property is encumbered with an encroachment of easement for electrical lines. The estimated fair market value of the parcel is \$2,100. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Kevin D. Pollino, Right-of-Way Administrator, Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701-3388.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-860. Filed for public inspection June 30, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Receipt of Applications for Funding under the Section 5310 Program Fiscal Year 2023-2024

The Department of Transportation, Bureau of Public Transportation, under the authority in section 5310 of the Federal Transit Laws (49 U.S.C. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Program (Program). The application will open on Saturday, July 1, 2023, and is due by the close of business on Monday, July 31, 2023. The 5310 private nonprofit (PNP) application instructions can be found under 5310 Program Resources at <https://www.penndot.pa.gov/Doing-Business/Transit/InformationandReports/Documents/5310%20Resources/5310%20PNP%20Applicant%20Instructions.pdf>.

Under this Program, PNP organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles used to provide transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers.

Additional program guidelines and general information on how to apply can be obtained by calling John Levitsky, Bureau of Public Transportation, (717) 787-1206, [jlevitsky@pa.gov](mailto:jlevitsky@pa.gov).

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 23-861. Filed for public inspection June 30, 2023, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Scheduled

The Health Care Cost Containment Council (Council) has a Council meeting at 10 a.m. on Thursday, July 6, 2023. An agenda will be available 24 hours in advance at <https://www.phc4.org/council/calendar.htm>.

The public is invited to participate. Contact [rgreenawalt@phc4.org](mailto:rgreenawalt@phc4.org) at least 24 hours in advance for participation instructions.

BARRY BUCKINGHAM,  
*Executive Director*

[Pa.B. Doc. No. 23-862. Filed for public inspection June 30, 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:

#### *Action Taken—Regulation Disapproved*

Department of Human Services # 14-545: Subsidized Child Care Eligibility (deletes 55 Pa. Code Chapter 3041 and adopts 55 Pa. Code Chapter 3042)

## Disapproval 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.

Order Issued June 20, 2023

*Department of Human Services—  
Subsidized Child Care Eligibility  
Regulation No. 14-545 (# 3275)*

On October 22, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Human Services (Department). This rulemaking deletes 55 Pa. Code Chapter 3041 and adopts 55 Pa. Code Chapter 3042. The proposed regulation was published in the November 14, 2020 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 23, 2023.

This final-form rulemaking is a comprehensive revision and reorganization of the regulations utilized by the Department to administer the subsidized child care program. The purpose of the final-form rulemaking is to ensure alignment with the Federal Child Care and Development Block Grant of 2014 in order to continue receiving federal funding. 42 U.S.C.A. §§ 9857—9858r.

On May 12, 2023, Acting Secretary of Human Services Valerie A. Arkoosh, MD, MPH, submitted a letter to this Commission requesting disapproval of the final-form regulation due to the potential financial impact of deleting proposed 55 Pa. Code § 3042.14(d). The Department made a subsequent request for disapproval at this Commission's meeting on May 18, 2023, in response to comments from the regulated community on the potential unanticipated consequences of the final-form regulation. This request was made so that the Department may consider revising this provision to the status quo and resubmit a final-form regulation with revisions.

Proposed 55 Pa. Code § 3042.14(d) permitted child care providers to charge parents and caretakers receiving subsidized child care the difference between the provider's private pay rate and the state subsidy reimbursement. Child care providers may currently charge this difference under 55 Pa. Code § 3041.15(c). As explained by the Department in this final-form regulation package, the removal of this charge option has an estimated fiscal impact on child care providers in the form of lost potential revenue of approximately \$16.5 million annually. In addition, the Department reported that over 3,600 of 5,100 regulated child care providers are small businesses. Public commentators expressed concerns regarding the deletion of proposed 55 Pa. Code § 3042.14(d). They explained that the potential financial impacts on child care providers may lead to a reduction in the number of subsidy families accepted, and program and classroom closures.

The Regulatory Review Act directs this Commission to determine if a regulation is in the public interest by considering the criteria in 71 P.S. § 745.5b(b). For the following reasons, we find that this regulation is not in the public interest.

First, given the disapproval requests from the Department, this final-form regulation does not meet the reasonableness criterion in 71 P.S. § 745.5b(b)(3).

Second, the economic or fiscal impacts of this final-form regulation may result in lost revenue to the regulated community, of which 70% are small businesses. Therefore, this final-form regulation does not meet the criteria related to economic or fiscal impacts, and effects on small businesses in 71 P.S. § 745.5b(b)(1) and (8), respectively.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S. §§ 201(2), 403(b) and 403.1) and the intention of the General Assembly. However, after considering all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 23-863. Filed for public inspection June 30, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Jeanne and James Schafle under the Quality Health Care Accountability and Protection Article; Keystone Health Plan East; Doc. No. HC23-06-002

Under Article XXI of The Insurance Company Law of 1921, referred to as the Quality Health Care Accountability and Protection Article (40 P.S. §§ 991.2101—991.2194), notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for July 18, 2023, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 17, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before July 5, 2023, with the Administrative Hearings Office. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, will be electronically filed on or before July 17, 2023.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-864. Filed for public inspection June 30, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Per Diem Charges for Financial Examinations Conducted by the Insurance Department; Notice 2023-10

Under the authority of section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Financial Examiner Trainee	\$652
Financial Examiner 1/Actuarial Associate 1	\$825
Financial Examiner 2/Actuarial Associate 2/IT Examiner	\$970
Financial Examiner 3/Actuary 1/IT Administrator	\$1,251
Financial Examination Manager/Actuary 2	\$1,320
Chief Actuary	\$1,650

In accordance with 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs.

This schedule is effective July 1, 2023.

This document supersedes the notice published at 52 Pa.B. 3654 (June 25, 2022) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-865. Filed for public inspection June 30, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Per Diem Charges for Market Conduct Examinations Conducted by the Insurance Department; Notice 2023-11

Under the authority of section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for market conduct examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$700
Administrative Officer 2	\$918
Examiner 1	\$823
Examiner 2	\$972
Division Chief	\$1,064

In accordance with 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for market conduct examination costs.

This schedule is effective July 1, 2023.

This document supersedes the notice published at 52 Pa.B. 3654 (June 25, 2022) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-866. Filed for public inspection June 30, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized under section 8 of the Unfair Insurance Practices Act (act) (40 P.S. §§ 1171.8) in connection with the termination of the homeowners policy. The proceedings will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Hearing Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Huiping Xu and Hao Li; Penn National Mutual Casualty Insurance Company; File No. 22-178-274395; Doc. No. P22-10-039; July 10, 2023, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 23-867. Filed for public inspection June 30, 2023, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### Board Meeting

The Pennsylvania Energy Development Authority Board (Board) meeting scheduled for July 6, 2023, will be held at 10 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Alayna Schmeider at [aschmeider@pa.gov](mailto:aschmeider@pa.gov) or (717) 783-0908.

The meeting will begin in Executive Session. Public attendees will be able to join the meeting virtually at 10 a.m. and will remain in a virtual waiting room until the Executive Session is complete. Once the Executive Session is complete, the public portion of the meeting will begin. Individuals attending the meeting in person will be able to enter the Delaware Room once Executive Session is complete.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Businesses," then "Energy," then "Energy Programs Office," then "Financial Options," then "PEDA").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the July 6, 2023, meeting can be directed to Alayna Schmeider at [aschmeider@pa.gov](mailto:aschmeider@pa.gov) or (717) 783-0908.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Alayna Schmeider at [aschmeider@pa.gov](mailto:aschmeider@pa.gov) or (717) 783-0908 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RICHARD NEGRIN,  
*Chairperson*

[Pa.B. Doc. No. 23-868. Filed for public inspection June 30, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Cancellation of Certificates of Public Convenience for Telecommunication Utilities; Failure to Operate or Report Any Intrastate Operating Revenue

Public Meeting held  
June 15, 2023

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zeffuss; John F. Coleman, Jr.

*Cancellation of Certificates of Public Convenience for Telecommunication Utilities; Failure to Operate or Report Any Intrastate Operating Revenue; M-2022-3037353*

### Final Order

*By the Commission:*

On March 16, 2023, the Commission entered a Tentative Order in the above captioned proceeding to initiate the process for canceling the Certificates of Public Convenience (CPC) of telecommunications public utilities that failed to file required annual assessment reports. The Tentative Order was mailed to each telecommunications public utility and was published in the *Pennsylvania Bulletin* on April 22, 2023. 53 Pa.B. 2276. The telecommunications public utilities were given 20 days from publication to challenge the cancellation of their CPCs or file a conforming Assessment Report.

The Public Utility Code requires that by March 31st of each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa.C.S. § 510(b). This report is essential for the Commission to fund its operations and to properly allocate assessment costs among the regulated utility community. *Id.* In addition, telecommunications public utilities are required to operate continuously and without unreasonable interruptions of service. 66 Pa.C.S. § 1501. A carrier with no intrastate operating revenues for several years indicates that it is no longer providing jurisdictional public utility service in Pennsylvania and, therefore, a CPC for that entity is no longer “necessary or proper for the service, accommodation, convenience, or safety of the public.” 66 Pa.C.S. § 1103(a).

The telecommunications public utilities that were served with the March 16th Tentative Order were those telecommunications public utilities that had failed to file an assessment report detailing their intrastate operating revenues, as required by Section 510 of the Public Utility Code, 66 Pa.C.S. § 510. As stated above, the telecommunications public utilities were given 20 days from publication to challenge the cancellation of their CPCs or file a conforming Assessment Report. They were also informed that failure to comply would result in the Commission taking appropriate action to cancel their CPCs.

In response to the March 16th Tentative Order, the telecommunications public utilities listed in Table 1 filed comments with the Commission,<sup>1</sup> and the telecommunications public utilities listed in Table 2 did not respond to the Tentative Order in any way.

The telecommunications public utilities listed in Table 1 will retain their respective CPCs but will be referred to the Commission’s Bureau of Investigation and Enforcement for further investigation as to whether their respective CPCs are still necessary or proper for the service, accommodation, convenience, or safety of the public. Since the telecommunications public utilities listed in Table 2 have failed to properly respond to the Tentative Order, they remain in a state of non-compliance with the

<sup>1</sup> RCLEC filed comments that were also titled as a Petition to Rescind the Tentative Order stating that they had previously filed an Application for Abandonment of its CPC at Docket Nos. A-2014-2403433, A-2014-2403434, A-2014-2403435 and A-2014-2403488. The Application for Abandonment has been assigned to the Commission’s Bureau of Technical Utility Services for disposition and shall be handled separately from this proceeding. Accordingly, since RCLEC has an active abandonment docket with the Commission, RCLEC’s Petition to Rescind the Commission’s March 16th Tentative Order is dismissed as moot. Additionally, ITC Global Networks, LLC (ITC Global Networks) filed comments indicating its intent to file an application to abandon. ITC Global Networks also has filed an Application for Abandonment. ITC Global Network’s Application for Abandonment is at Docket A-2023-3040636 and has been assigned to the Commission’s Bureau of Technical Utility Services for disposition. ITC Global Networks’ Application for Abandonment shall be handled separately from this proceeding. Accordingly, since ITC Global Network has an active abandonment docket with the Commission, its Comments to the Commission’s March 16th Tentative Order is dismissed as moot.

Commission’s regulations.<sup>2</sup> The failure of each of these carriers to report any total intrastate operating revenues to the Commission for several years indicates that they are no longer providing jurisdictional public utility service in Pennsylvania and, therefore, CPCs for these entities are no longer “necessary or proper for the service, accommodation, convenience, or safety of the public.” 66 Pa.C.S. § 1103(a). Each of these telecommunications public utilities have had ample notice and an opportunity to be heard via the Secretarial Letter and the March 16, 2023 Tentative Order. Accordingly, the CPCs of each telecommunications public utility listed in Table 2 will be canceled and all rights and privileges existing under the CPC subject to cancellation, including but not limited to all rights and privileges with eminent domain authority, zoning exemptions, and public right-of-way occupancy, will be revoked and such cancellation is effective immediately with the issuance of this Final Order; *Therefore,*

*It Is Ordered That:*

1. This matter is closed for the telecommunications public utilities listed in Table 1 and that these telecommunications public utilities are referred to the Commission’s Bureau of Investigation and Enforcement for investigation to determine whether their respective CPCs are still necessary or proper for the service, accommodation, convenience, or safety of the public.

2. This matter is closed for RCLEC, Inc. and ITC Global Networks, LLC (ITC Global Networks) as they both have active abandonment dockets before the Commission at Docket Nos. A-2014-2403433, A-2014-2403434, A-2014-2403435 and A-2014-2403488 and Docket A-2023-3040636, respectively.

3. The Certificate of Public Convenience for each telecommunications public utility listed in Table 2 is canceled for reasons cited herein and all rights and privileges existing under the Certificate of Public Convenience subject to cancellation, including but not limited to all rights and privileges with eminent domain authority, zoning exemptions, and public right-of-way occupancy, are revoked. These telecommunications public utilities shall be stricken from all active utility lists maintained by the Commission’s Bureau of Technical Utility Services and the Fiscal & Assessments Section of the Bureau of Administration.

4. The Secretary serve a copy of this Final Order upon the Bureau of Investigation & Enforcement, the Bureau of Technical Utility Services, the Bureau of Administration, Department of Revenue—Bureau of Corporation Taxes, Department of Transportation, and all telecommunications public utilities listed in Tables 1 and 2. The Final Order shall be filed at each carrier’s docket number.

5. The Law Bureau shall publish a copy of this Final Order in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: June 15, 2023

ORDER ENTERED: June 15, 2023

<sup>2</sup> It is noted that the Commission received comments from an individual purporting to be an out-of-state attorney, E. Ashton Johnston, on Pennsylvania MSA, LLC’s behalf. However, Mr. Johnston does not appear as an active member of the Pennsylvania Bar and is therefore precluded from representing Pennsylvania MSA, LLC in this proceeding. See 52 Pa. Code § 1.21. As such, MSA, LLC’s comments were not considered.

**Table 1—Telecommunications Public Utilities That Filed Comments Objecting to Cancellation**

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
3119957	CONSOLIDATED TELECOM, INC.	A-2017-2608094
3120378	TIME CLOCK SOLUTIONS, LLC	A-2017-2632817, A-2017-2632820
3120524	IRU NETWORKS, LLC	A-2017-2638921, A-2017-2638923, A-2017-2638926
3122100	NGA 911, LLC	A-2019-3009273, A-2019-3009292
3114607	PEG BANDWIDTH PA, LLC	A-2012-2301870

**Table 2—Telecommunications Public Utilities: Certificates of Public Convenience Canceled for Noncompliance**

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
310507	AMERICAN TELECOMMUNICATIONS SYSTEMS, INC.	A-310507
3110196	MOMENTUM TELECOM, INC.	A-2008-2045159, A-2008-2046169
3110551	TOTAL HOLDINGS, INC.	A-2008-2069549
3110581	ONE SOURCE NETWORKS CLEC, LLC	A-2008-2073165
310197	NOSVA LIMITED PARTNERSHIP	A-310197
3111047	BROADVOX-CLEC, LLC	A-2009-2104391, A-2009-2104393
3111706	AIRUS, INC.	A-2010-2152263, A-2010-2152282, A-2010-2152284, A-2010-2152286
3111908	WORLDWIDE MARKETING SOLUTIONS, INC.	A-2010-2165627
3119113	CORRECT SOLUTIONS, LLC	A-2016-2562526
3121484	DELTA TELECOM OF PA, INC.	A-2018-3005390
311391	EURO CONNECT, INC.	A-311391
3115091	LOCAL ACCESS, LLC	A-2012-2322682, A-2012-2322693, A-2012-2322696
3119952	PENNSYLVANIA MSA, LLC	A-2017-2607866, A-2017-2607867

[Pa.B. Doc. No. 23-869. Filed for public inspection June 30, 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  
June 15, 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 June 6, 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-2016-2542085*	ATLANTIC ENERGY MD, LLC	5/21/2023	No
A-2019-3007565	CRIMSON POWER SOLUTIONS, LLC	1/5/2023	Yes
A-2009-2132758	ELECTRIC ADVISORS, INC.	5/10/2023	Yes
A-110056*	ENERGY COOPERATIVE ASSOCIATION OF PENNSYLVANIA	5/9/2023	No
A-2014-2437023	NAVIGATE POWER, LLC	5/30/2023	Yes
A-2011-2245433	PRIORITY POWER MANAGEMENT, LLC	5/19/2023	Yes
A-2015-2500554	TITAN ENERGY—NEW ENGLAND, INC.	5/31/2023	Yes
A-2020-3020320	ZENTILITY, INC.	6/2/2023	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](http://www.puc.pa.gov/filing_resources.aspx). Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at [rchiavetta@pa.gov](mailto: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: June 15, 2023

ORDER ENTERED: June 15, 2023

[Pa.B. Doc. No. 23-870. Filed for public inspection June 30, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-2023-3041330. National Fuel Gas Distribution Corporation.** Application for approval of abandonment of service by National Fuel Gas Distribution Corporation for one natural gas service customer located in the Borough of Conneautville, Crawford County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 17, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or they may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Applicant:* National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, NY 14221

*Through and By Counsel for:* Anthony D. Kanagy, Garrett P. Lent, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (717) 612-6034, [akanagy@postschell.com](mailto:akanagy@postschell.com), [glent@postschell.com](mailto:glent@postschell.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-871. Filed for public inspection June 30, 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 July 17, 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 July 17, 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](http://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](http://www.puc.pa.gov) by searching under the listed docket number as follows or by searching the applicant's web site.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2023-3040730. Jenquis Transportation, LLC** (405 West Hemlock Street, Hazleton, Luzerne County, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Berks, Bradford, Carbon, Clinton, Columbia, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Wayne, Wyoming and York, to points in Pennsylvania, and return.

**A-2023-3040844. Ping-Nga Nonemergency Transportation, LLC** (553 North 4th Street, Allentown, Lehigh County, PA 18102) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Lehigh and Northampton, to points in Pennsylvania, and return.

**A-2023-3041146. Kensington Capital Group, LLC** (5200 Hilltop Drive, M-13, Brookhaven, Delaware County, PA 19015) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2023-3041199. JB Taxi, LLC, t/a Country Taxi Cab** (777 Corporation Street, P.O. Box 471, Beaver, Beaver County, PA 15009) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Warren, Washington and Westmoreland, to points in Pennsylvania, and return. *Attorney:* William H. Stewart, III, Esq., 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2023-3041226. Babs Ventures, LLC, t/a Babs Transportation** (48 West Court Boulevard, West Lawn, Berks County, PA 19609) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Berks County, to points in Pennsylvania, and return.

**A-2023-3041227. Mel's Mobile Service, LLC** (820 Route 910, Cheswick, Allegheny County, PA 15024) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

### Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

**A-2023-3041319. Red Lion Tours, Inc., t/a Red Lion Travel, Et Al** (110 East Walnut Street, Red Lion, York

County, PA 17356) for the discontinuance and cancellation of its authority, as a broker of passengers between points in Pennsylvania, as thoroughly described in the original ordering paragraph at Docket No. A-00094191, F.1.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-872. Filed for public inspection June 30, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Wastewater Service

**A-2023-3041332. Aqua Pennsylvania Wastewater, Inc.** In the matter of the application of Aqua Pennsylvania Wastewater, Inc. for approval to begin to offer, render, furnish and supply wastewater service to the public in an additional portion of East Whiteland Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 17, 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](http://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](http://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:* Aqua Pennsylvania Wastewater, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010

*Through and By Counsel for:* Frances P. Orth, Esq., Vice-President and Senior Managing Counsel, Aqua Pennsylvania Wastewater, Inc., 762 West Lancaster Avenue,

Bryn Mawr, PA 19010, (610) 645-1126, FPOrth@  
aquaamerica.com

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-873. Filed for public inspection June 30, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Water Distribution Assets

**A-2023-3041284. The York Water Company.** In the matter of the application of The York Water Company, under 66 Pa.C.S. § 1102(a)(3) (relating to enumeration of acts requiring certificate) for approval of the right of The York Water Company to acquire the water distribution assets of ATG Properties, LLC, d/b/a Brookhaven Mobile Home Park.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 17, 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](http://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](http://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:* The York Water Company, 130 East Market Street, York, PA 17401

*Through and By Counsel for:* Michael W. Hassell, Esq., [mhassell@postschell.com](mailto:mhassell@postschell.com), Devin T. Ryan, Esq., [dryan@postschell.com](mailto:dryan@postschell.com), Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-874. Filed for public inspection June 30, 2023, 9:00 a.m.]