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(Master Transmittal Sheet):**

No. 585, August 2023

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER NO. 2023-17]

Commonwealth Workforce Transformation Program

July 31, 2023

Whereas, the federal Infrastructure Investment and Jobs Act of 2021, Pub.L. 117-58 (IIJA), and the federal Inflation Reduction Act of 2022, Pub.L. 117-169 (IRA), offer unique opportunities for the Commonwealth of Pennsylvania to accelerate critical investments in roads, bridges, energy, water, sewer, and transformative economic development projects, many of which require the adaptation of new technologies and techniques that improve the efficiency and effectiveness of our economy and enhance the prosperity and well-being of residents of the Commonwealth; and

Whereas, the Commonwealth's diverse workforce must grow and evolve to realize fully the benefits of both initiatives including the use of these federal investments to create good jobs with family-sustaining wages and equitable pathways to these good jobs for workers from all communities; and

Whereas, some of the greatest risks associated with executing these projects arise when companies cannot find experienced workers or are unwilling to take the financial or operational risks to train and hire new workers; and

Whereas, the IIJA and IRA call for States to build workforce programs in response to these challenges; and

Whereas, workforce programs that use evidence-based strategies such as sector-based training, registered apprenticeship programs, and supportive services are demonstrated to improve training, employment, and earnings outcomes; and

Whereas, the IIJA and IRA provide States with the flexibility to design and execute their own workforce programs using IIJA or IRA monies.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Commonwealth Workforce Transformation Program (hereinafter referred to as the "CWTP" or "Program") and instruct the Pennsylvania Department of Labor and Industry, in conjunction with the Office of the Budget and the Executive Director of Critical Investments, to develop and implement policies and procedures to govern the CWTP and allocate funding in accordance with the following:



Governor

Fiscal Note: GOV-2023-17. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) Federal Funds; (2) Implementing Year 2023-24 is \$400,000,000 over 5 years; (3) 1st Succeeding Year 2024-25 through 4th Succeeding year 2027-28 are (See above); 5th Succeeding Year 2028-29 is \$0; (4) 2022-23 Program—\$N/A; 2021-22 Program—\$N/A; 2020-21 Program—\$N/A; (7) Infrastructure Investment and Jobs Act of 2021 (IIJA); Inflation Reduction Act of 2022 (IRA); (8) recommends adoption. Operational and grant costs for the program will be incorporated into federal reimbursement.

Annex A
TITLE 4. ADMINISTRATION
PART I. GOVERNOR'S OFFICE
CHAPTER 7. MISCELLANEOUS PROVISIONS
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§ 7.971. Purpose.

The CWTP shall coordinate the distribution of the IIJA and IRA moneys available for workforce development and OJT by means of a grant program distributed through the various State agencies that will receive Federal funding. The Department of Labor and Industry shall manage the CWTP with assistance from the Office of the Budget and in accordance with the IIJA, the IRA and the regulations or guidance issued by the relevant Federal agencies.

§ 7.972. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

CWTP—Commonwealth Workforce Transformation Program.

Covered expenses—Include, to the extent allowable under the IIJA and IRA:

(i) Wages paid directly to a new employee, including any bonuses or other monetary compensation reportable as “W-2” wages.

(ii) Payroll taxes paid by the eligible organization to Federal, State or local taxing authorities in conjunction with the new employee’s employment.

(iii) Direct costs associated with the OJT program incurred by the eligible organization during the first 6 months of employment for the new employee, including but not limited to any of the following:

(A) Registered pre-apprenticeship programs.

(B) Registered apprenticeship program costs.

(C) Costs associated with establishing a training program.

(D) Costs incurred for the use of a training facility.

(E) Supportive services and direct cash assistance that help individuals facing systemic barriers to employment to be able to participate in training and employment. Eligible supportive services include, but are not limited to, costs incurred for bona fide services and assistance provided to new employees for: housing; child and dependent care; work-related tools; work-related clothing or uniforms; educational testing; needs-related payments or emergency cash assistance; transportation and travel to or from training and work sites; reasonable accommodations; legal assistance; referrals to healthcare, mental health counseling or drug treatment; linkages to community services; application fees and other costs of apprenticeship or required pre-employment training, tests, or certifications; or financial counseling to the extent that eligible organizations demonstrate to the CWTP, within its discretion, that the expenses effectively recruit or retain workers who have traditionally faced systemic barriers to training and employment.

Eligible organization—A for-profit corporation, limited liability company, partnership, not-for-profit organization or public benefit corporation operating in this Commonwealth which meets any of the following criteria:

(i) Has received a contract or grant from an agency of the Commonwealth or by the Federal government under the IIJA or IRA for work occurring in this Commonwealth.

(ii) Is a subcontractor to an eligible organization that has received a contract or grant under the IIJA or IRA for work occurring in this Commonwealth.

(iii) Has received a tax credit from the United States Department of the Treasury made available under the IRA for a capital investment in excess of \$10 million within this Commonwealth.

IIJA—Federal Infrastructure Investment and Jobs Act of 2021 (Pub.L. No. 117-58).

IRA—Federal Inflation Reduction Act of 2022 (Pub.L. No. 117-169).

New employee—As this term will be or is defined in the CWTP guidelines issued under § 7.973 (relating to program).

OJT—On-the-job training.

§ 7.973. Program.

The CWTP shall establish guidelines that permit eligible organizations to apply for grants of up to \$40,000 per each new employee, which grant may not exceed \$400,000 in aggregate for all new employees hired by the eligible organization for each particular contract, to reimburse the eligible organization's payment of covered expenses.

§ 7.974. Duties of the Department of Labor and Industry.

The Department of Labor and Industry shall do all of the following:

(1) Manage the CWTP in alignment with the programmatic requirements of the IIJA, IRA and any relevant guidance issued by authorized Federal agencies.

(2) Implement policies for the overall CWTP, including the appropriate forms and documentation to be filed by eligible organizations to apply for the grants.

(3) Develop compliance and reporting tools for eligible organizations as required to implement the CWTP.

(4) Facilitate participation in the CWTP with companies, not-for-profit organizations, labor unions and worker organizations, and other employment or training service providers previously qualified to provide OJT services for other executive agencies.

(5) Prioritize awards to grant applicants that most effectively demonstrate the implementation of OJT programs encouraged by the IIJA and IRA.

§ 7.975. Duties of the Office of the Budget.

The Office of the Budget shall do all of the following:

(1) Establish a process to allocate portions of IIJA and IRA funding to the CWTP, so that eligible organizations may be reimbursed for covered expenses in accordance with relevant Federal reporting requirements.

(2) Seek reimbursement from the Federal government for up to a maximum amount of \$400 million over the 5 years of expected funding from the IIJA and IRA.

(3) Segregate these funds as might be required to allocate specific grants made to eligible organizations under the CWTP so that those grants match program requirements for individual Federal agencies.

(4) Provide for the overhead and operational costs that may be reasonably necessary for the execution of the CWTP, incorporating those costs for Federal reimbursement.

§ 7.976. Duties of the Department of Corrections.

The Department of Corrections shall do all of the following:

(1) Provide CWTP participants with information regarding reentry programs to ensure that participants are aware of the workforce opportunities that may be addressed by hiring individuals who are reentering the community after incarceration.

(2) Inform incarcerated individuals of the OJT opportunities that may be available to them under the CWTP.

(3) Coordinate with the Executive Director of the CWTP to ensure that the CWTP effectively connects employers in need of workers with previously incarcerated or soon-to-be-released incarcerated individuals who may be interested in workforce opportunities under the CWTP.

§ 7.977. Duties of contracting executive agencies.

Contracting executive agencies shall do all of the following:

(1) Include language in all solicitations issued using IIJA and IRA funding that describes the CWTP and how to qualify for funding under the CWTP.

(2) Request offerors to submit a description of any OJT programs that the offeror may have available to new employees that qualify for the CWTP as an eligible organization.

§ 7.978. Duties of fiscal offices for executive agencies receiving IIJA and IRA funding.

Fiscal offices for executive agencies receiving IIJA and IRA funding shall do all of the following:

(1) Allocate at least 3% of all funding received by the Commonwealth under the IIJA and IRA, including both formula awards and competitive grants as set forth in IIJA and IRA, where applicable, to be used to support the CWTP in accordance with IIJA and IRA.

(2) Ensure these allocations are designated on all fiscal reports and budgets submitted to Federal agencies for any and all programs funded under the IIJA and IRA.

(3) Report all of the following information to the Executive Director of Critical Investments or to the Executive Director's designee within 30 days of the issuance of any grant award letter for projects or grants funded by IIJA and IRA under the CWTP:

(i) The name and address of the recipient of the grant award letter.

(ii) The amount of funds issued under the grant award letter.

(iii) A brief description of the work to be completed under the grant award letter.

(iv) Whether the recipient indicated in the proposal an intent to apply for funding from the CWTP.

(4) Comply with guidance issued by the Office of the Budget or by the Executive Director of Critical Investments for the CWTP.

§ 7.979. Staff.

The Executive Director of Critical Investments shall administer, under the direction of the Office of the Budget, the CWTP until an Executive Director is appointed. The Secretary of the Department of Labor and Industry shall hire an Executive Director of the CWTP, who shall report to the Office of the Governor and to the Secretary of Labor and Industry and shall administer the CWTP thereafter. The Executive Director shall administer the CWTP until all Federal IIJA and IRA funding has been expended. The Executive Director shall hire all individuals as may be necessary to carry out the objectives of the CWTP and the purposes of this subchapter, subject to the approval of the Secretary of Labor and Industry and the Office of the Budget.

§ 7.980. Implementation.

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other persons.

§ 7.981. Effective date.

This subchapter shall take effect immediately.

§ 7.982. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 23-1065. Filed for public inspection August 11, 2023, 9:00 a.m.]

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following meetings to be held in State College, PA and by means of Zoom:

Wednesday, September 13, 2023	1 p.m.	Annual Planning Meeting	204 East Calder Way Suite 400 State College, PA Zoom Webinar: bit.ly/PCSAAnnualMtgSept132023
Thursday, September 14, 2023	9 a.m.	Policy Meeting	204 East Calder Way Suite 400 State College, PA Zoom Webinar: bit.ly/PCSCCommMtgSept142023
	11 a.m.	Quarterly Business Meeting	204 East Calder Way Suite 400 State College, PA Zoom Webinar: bit.ly/PCSCCommMtgSept142023

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 23-1066. Filed for public inspection August 11, 2023, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2023 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2023 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2023 General Acts of Regular Session Enacted—Act 004 through 006					
004	Jul 5	S0202	PN0083	60 days	Municipal Claim and Tax Lien Law—omnibus amendments
005	Jul 5	S0262	PN0833	90 days	Maternal Mortality Review Act—Maternal Mortality Review Committee and purpose and duties of committee
006	Jul 11	H1031	PN1047	60 days	Representative Garth Everett Muncy Access Area—designation
2023 Appropriation Acts of Regular Session Enacted—Act 002 through 010					
002	Jul 11	H0614	PN1682	Immediately	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
003	Jul 11	H0615	PN1124	Immediately	Department of Labor and Industry and Department of Community and Economic Development—expenses for Workers' Compensation Act, Pennsylvania Occupational Disease Act and Office of Small Business Advocate
004	Jul 11	H0616	PN1683	Immediately	Office of Small Business Advocate—operation
005	Jul 11	H0617	PN1126	Immediately	Office of Consumer Advocate—operation
006	Jul 11	H0618	PN1684	Immediately	Public School Employees' Retirement Board—administrative expenses, etc.
007	Jul 11	H0619	PN1685	Immediately	State Employees' Retirement Board—administrative expenses, etc.
008	Jul 11	H0620	PN1129	Immediately	Philadelphia Parking Authority—operation

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
009	Jul 11	H0621	PN1130	Immediately	Pennsylvania Public Utility Commission—operation
010	Jul 11	H0622	PN1686	Immediately	Gaming Control Appropriation Act of 2023—enactment

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at www.shoppaheritage.com.

VINCENT C. DeLIBERATO, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 23-1067. Filed for public inspection August 11, 2023, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1 AND 9]

Proposed Amendment of Pa.R.A.P. 102 and 904

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 102 and 904 relating to appeals from the Orphans' Court for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Counsel
 Appellate Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9551
 appellaterules@pacourts.us

All communications in reference to the proposal should be received by October 6, 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 Appellate Court
 Procedural Rules Committee*

PETER J. GARDNER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

Orphan's Court Appeal. Any appeal from an order of the Orphans' Court Division as set forth in Pa.R.A.P. 342.

* * * * *

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 904. Content of the Notice of Appeal.

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

* * * * *

(b) *Caption.*

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

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

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

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

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

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

(g) Content in Orphans' Court Appeals. In an Orphans' Court appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is an Orphans' Court appeal.

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

Comment:

The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal

cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101 *et seq.*

The notice of appeal must include a statement that the order appealed from has been entered on the docket. Because generally a separate notice of appeal must be filed on each docket on which an appealable order is entered so as to appeal from that order, [*see*] *see* Pa.R.A.P. 902(a), the appellant is required to attach to the notice of appeal a copy of the docket entry showing the entry of the order appealed from on that docket. The appellant does not need to certify that the order has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

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

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

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

See Pa.R.A.P. 342 for the orders that may be appealed as of right in Orphans' Court matters.

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

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

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 102 and 904

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Appellate Procedure 102 and 904 relating to appeals from the Orphans' Court. This proposal is the result of the Committee's evaluation of a request to amend Pa.R.A.P. 108 (date of entry of orders) to recognize the operation of relatively new Pa.R.O.C.P. 4.6 in establishing the date of entry of an adjudication or court order on the Orphans' Court docket.

Pa.R.A.P. 108 operates to establish the date of entry of an order for purposes of computing any time period involving the date of an order under the Pennsylvania Rules of Appellate Procedure. Pa.R.A.P. 108(b) provides that the date of entry of an order for civil cases is the date on which the clerk of the trial court makes a

notation on the docket that notice of the entry of the order was given as required by Pa.R.Civ.P. 236. Additional provisions address emergency appeals and criminal orders. However, Pa.R.A.P. 108 is silent on the date of entry of orders in the Orphans' Court.

The reason for that silence is that, when the relevant provisions of Pa.R.A.P. 108 were drafted, the Pennsylvania Rules of Orphans' Court Procedure were also silent on the matter of notice of an adjudication or court order. Notably, however, former Pa.R.O.C.P. 3.1 required conformity with the Pennsylvania Rules of Civil Procedure when the Orphans' Court Rules did not provide guidance on a particular matter. Therefore, appellants in Orphans' Court cases were essentially guided by Pa.R.Civ.P. 236, which aligned with Pa.R.A.P. 108(b).

The Rules of Orphans' Court Procedure were largely rewritten and adopted, effective September 1, 2016. The rewrite included new rule Pa.R.O.C.P. 4.6, which established a notice procedure analogous to and derived from Pa.R.Civ.P. 236. The instant proposal is intended to acknowledge that rule albeit, as explained below, the Committee determined that amendment of Pa.R.A.P. 108 was not the most effective vehicle.

The Committee recognized that the request to amend Pa.R.A.P. 108 also implicated a need to effectively identify Orphans' Court appeals for purposes of docketing statements. To effectuate Pa.R.A.P. 108 generally, when a notice of appeal is filed with the Superior Court, the prothonotary of that court sends:

a docketing statement form [to the appellant] which shall be completed and returned within ten (10) days in order that the Court shall be able to more efficiently and expeditiously administer the scheduling of argument and submission of cases on appeal. Failure to file a docketing statement may result in dismissal of the appeal.

Pa.R.A.P. 3517. At present, there are three docketing statement forms: (a) Civil Docketing Statement; (b) Criminal Docketing Statement; and (c) Family and Domestic Relations Docketing Statement. The Civil Docketing Statement requires entry of the date of the Pa.R.Civ.P. 236 notice, although the Family and Domestic Relations Docketing Statement does not. In the absence of an Orphans' Court specific form, the Civil Docketing Statement presumably has been used with Orphans' Court appeals. There is a concern that omission of the Pa.R.O.C.P. 4.6 notice date from the Docketing Statement may lead an appellant to complete the form incorrectly, resulting in possible delays or confusion.

As mentioned above, the Committee initially considered a proposed amendment of Pa.R.A.P. 108 to add a new subdivision pertaining to orders subject to the Rules of Orphans' Court Procedure and specifying that the date of entry of such an order is the date on which the clerk of the Orphans' Court makes the notation in the docket that written notice of the entry of the order has been given as required by Pa.R.O.C.P. 4.6. This approach, however, was thought to be insufficient in two respects. First, it was unlikely that counsel or a self-represented party would look to Pa.R.A.P. 108 for the requirement to file a docketing statement. Second, Orphans' Court appeals are not routinely identified as such when the notice of appeal is filed. As a result, filing office staff would not be aware which docketing statement should be sent to counsel or a self-represented party.

The Committee therefore devised a different approach to address both concerns, which is reflected in the present proposal. Pa.R.A.P. 342 sets forth the orders of the Orphans' Court that are appealable as of right. The proposal would amend Pa.R.A.P. 102 (definitions) to add a definition of "Orphans' Court Appeal" with a reference to Pa.R.A.P. 342 so that counsel or a self-represented party filing such an appeal is advised of the Rule of Appellate Procedure applicable to that appeal. In addition, Pa.R.A.P. 904 would be amended to add a new subdivision requiring the notice of appeal to include a statement advising the appellate court that the appeal is an Orphans' Court appeal. Identifying the appeal as an Orphans' Court matter should assist filing office staff in issuing an Orphans' Court docketing statement in a timely fashion. Finally, a statement cross-referencing Pa.R.A.P. 342 regarding orders that may be appealed as of right in Orphans' Court matters would be added to the comment to Pa.R.A.P. 904.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 23-1068. Filed for public inspection August 11, 2023, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VI]

Proposed Amendment of Pa.R.E. 601

The Committee on Rules of Evidence is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Evidence 601 concerning the competency of witnesses 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 officially adopted by the Supreme Court.

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

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

Daniel A. Durst, Counsel
Committee on Rules of Evidence
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717.231.9536
evidencerules@pacourts.us

All communications in reference to the proposal should be received by September 15, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be repro-

duced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on
Rules of Evidence*

SARA E. JACOBSON,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VI. WITNESSES

Rule 601. Competency.

(a) *General Rule.* Every person is competent to be a witness except as otherwise provided by statute or in these rules.

(b) [*Disqualification for Specific Defects*] **Grounds for Incompetency.** A person [is] **may be incompetent, in whole or in part,** to testify if the court finds [**that because of a mental condition or immaturity**] the person:

- (1) is, or was, at any relevant time, incapable of perceiving accurately;
- (2) is unable to express himself or herself so as to be understood either directly or through an interpreter;
- (3) has an impaired memory; or
- (4) does not sufficiently understand the duty to tell the truth.

Comment:

[**Pa.R.E. 601(a) differs from F.R.E. 601(a). It is consistent, instead, with Pennsylvania statutory law. 42 Pa.C.S. §§ 5911 and 5921 provide that all witnesses are competent except as otherwise provided. Pennsylvania statutory law provides several instances in which witnesses are incompetent. See, e.g., 42 Pa.C.S. § 5922 (persons convicted in a Pennsylvania court of perjury incompetent in civil cases); 42 Pa.C.S. § 5924 (spouses incompetent to testify against each other in civil cases with certain exceptions set out in 42 Pa.C.S. §§ 5925, 5926, and 5927); 42 Pa.C.S. §§ 5930—5933 and 20 Pa.C.S. § 2209 (“Dead Man’s statutes”).**]

Pa.R.E. 601(a) differs from F.R.E. 601 insofar as a person may also be incompetent as provided by statute. Pennsylvania statutory law deems all persons to be fully competent witnesses, except as otherwise provided by statute. See 42 Pa.C.S. §§ 5911, 5921; see also, e.g., 42 Pa.C.S. § 5922 (persons convicted in a Pennsylvania court of perjury incompetent in civil cases); 42 Pa.C.S. § 5924 (spouses incompetent to testify against each other in civil cases with certain exceptions set out in 42 Pa.C.S. §§ 5925, 5926, and 5927); 42 Pa.C.S. §§ 5930—5933; and 20 Pa.C.S. § 2209 (“Dead Man’s statutes”). This rule provides grounds for incompetency in addition to those found in statute.

Pa.R.E. 601(b) has no counterpart in the Federal Rules. It is consistent with Pennsylvania law concerning the [**factors for determining competency of a person to testify, including persons with a mental defect and children of tender years. See Commonwealth v. Baker, 466 Pa. 479, 353 A.2d 454 (1976) (standards**

for determining competency generally); *Commonwealth v. Goldblum*, 498 Pa. 455, 447 A.2d 234 (1982) (mental capacity); *Rosche v. McCoy*, 397 Pa. 615, 156 A.2d 307 (1959) (immaturity)] grounds for incompetency. See *Commonwealth v. Goldblum*, 447 A.2d 234, 239 (Pa. 1982).

Pennsylvania case law [recognizes two other grounds for incompetency,] has recognized that a child's "tainted" [testimony, and] recollection or a hypnotically refreshed [testimony] recollection may impair a witness's memory to the point of rendering the witness incompetent. [In *Commonwealth v. Delbridge*, 578 Pa. 641, 855 A.2d 27 (2003), the Supreme Court reiterated concern for the susceptibility of children to suggestion and fantasy and held that a child witness can be rendered incompetent to testify where unduly suggestive or coercive interview techniques corrupt or "taint" the child's memory and ability to testify truthfully about that memory. See also *Commonwealth v. Judd*, 897 A.2d 1224 (Pa. Super. 2006).

In *Commonwealth v. Nazarovitch*, 496 Pa. 97, 436 A.2d 170 (1981), the Supreme Court rejected hypnotically refreshed testimony, where the witness had no prior independent recollection. Applying the test of *Frye v. United States*, 293 F.1013 (D.C. Cir. 1923) for scientific testimony, the Court was not convinced that the process of hypnosis as a means of restoring forgotten or repressed memory had gained sufficient acceptance in its field. *Commonwealth v. Nazarovitch*, supra; see also *Commonwealth v. Romanelli*, 522 Pa. 222, 560 A.2d 1384 (1989) (when witness has been hypnotized, he or she may testify concerning matters recollected prior to hypnosis, but not about matters recalled only during or after hypnosis); *Commonwealth v. Smoyer*, 505 Pa. 83, 476 A.2d 1304 (1984) (same). Pa.R.E 601(b) is not intended to change these results.] See *Commonwealth v. Delbridge*, 855 A.2d 27 (Pa. 2003) (child's tainted recollection); *Commonwealth v. Nazarovitch*, 436 A.2d 170 (Pa. 1981) (hypnotically refreshed recollection); *Commonwealth v. Romanelli*, 560 A.2d 1384 (Pa. 1989) (when witness has been hypnotized, he or she may testify concerning matters recollected prior to hypnosis, but not about matters recalled only during or after hypnosis). For the constitutional implications when a defendant in a criminal case, whose memory has been hypnotically refreshed, seeks to testify, see *Rock v. Arkansas*, 483 U.S. 44 (1987).

The application of the standards in Pa.R.E. 601(b) is a factual question to be resolved by the court as a preliminary question under Rule 104. The party challenging competency bears the burden of proving grounds of incompetency by clear and convincing evidence. [*Commonwealth v. Delbridge*, [578 Pa. at 664,] 855 A.2d at 40. The court may observe a witness or conduct a colloquy of the witness to determine whether there is a compelling need to order a competency evaluation. See *Commonwealth v. Thomas*, 215 A.3d 36, 43–45 (Pa. 2019). In *Commonwealth v. Washington*, [554 Pa. 559,] 722 A.2d 643 (Pa. 1998), a case involving child witnesses, the Supreme Court announced a *per se* rule requiring trial courts to conduct competency hearings outside the presence of the jury. See also *Commonwealth v. Hutchinson*, 25 A.3d 277, 295 (Pa. 2011) (finding arguable merit that the trial court's *voir*

dire procedure violated the *per se* rule promulgated in *Washington*). Expert testimony has been used when competency under these [standards has been] grounds is an issue. See e.g., *Commonwealth v. Baker*, [466 Pa. 479,] 353 A.2d 454, 457–458 (Pa. 1976); *Commonwealth v. Gaerttner*, [335 Pa. Super. 203,] 484 A.2d 92, 98–99 (Pa. Super. 1984).

[Official Note:

Adopted May 8, 1998, effective October 1, 1998; amended November 2, 2007, effective December 14, 2007; rescinded and replaced January 17, 2013, effective March 18, 2013.

Committee Explanatory Reports:

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

SUPREME COURT OF PENNSYLVANIA COMMITTEE ON RULES OF EVIDENCE

Publication Report

Proposed Amendment of Pa.R.E. 601

The Committee on Rules of Evidence has undertaken a review of Pennsylvania Rule of Evidence 601 concerning the competency of fact witnesses. While Pennsylvania's law of competency is based upon statute and case law, the Committee's review focused on grounds for incompetency established by case law and codified in the rule at subdivision (b). Several amendments to the rule text and commentary are proposed.

Within subdivision (b), the Committee proposes changing the title from "Disqualification for Specific Defect" to "Grounds for Incompetency." No substantive effect is intended; rather, the title will more accurately describe the remainder of the subdivision.

Next, the word "is" would be replaced with "may be" to clarify that the presence of any of the grounds in subdivisions (b)(1)–(b)(4) does not render a witness incompetent. The amendment recognizes that these grounds may also serve as bases for impeachment of a competent witness. See, e.g., *Commonwealth v. Rizzuto*, 777 A.2d 1069, 1082 (Pa. 2001) ("When a witness suffers a condition relevant to his or her ability to accurately observe and report events, the jury must be informed of that witness' disability in order to properly assess the weight and credibility of the testimony."), *abrogated on other grounds*, *Commonwealth v. Freeman*, 827 A.2d 385 (Pa. 2003). Competency relates to the "capacity of the witness to communicate, to observe an event and accurately recall that observation, and to understand the necessity to speak the truth. A competency hearing is not concerned with credibility. Credibility involves an assessment of whether or not what the witness says is true." *Commonwealth v. Delbridge*, 855 A.2d 27, 40 (Pa. 2003).

Additionally, the Committee proposes inserting "in whole or in part" to recognize that a witness may be incompetent to testify on some matters but not all matters. For example, a witness with dementia may have some recollection of distant memories but not of recent memories. Under that circumstance, the witness should be able to testify about the memories the witness can recall. Another example is a child with a tainted recollection—the child may not be competent to testify about the tainted recollection but could be competent to testify about other matters.

Finally, the Committee proposes to remove the phrase, “that because of mental condition or immaturity,” from subdivision (b). The phrase was thought to be too limited and unintentionally omitted a physical condition as a cause for incompetency. This change would eliminate causation as a factor so that the grounds for incompetency are based upon the witness’s ability.

The Comment to Pa.R.E. 601 is proposed to be extensively rewritten. The first paragraph is restated to highlight the difference between Pa.R.E. 601(a) and F.R.E. 601 concerning the sources of authority for exceptions to the general rule of witness competency. The revised paragraph also clarifies that Pa.R.E. 601 is an independent source of such authority. The second paragraph is intended to identify the common law underpinning the grounds for incompetency without a string of case citations. Given that the rule itself is a source of authority, its genealogy is less relevant to the application of the rule.

The third paragraph presently states that Pennsylvania case law recognizes two other grounds for incompetency based on tainted testimony and hypnotic recollection. The Committee believes both of those grounds are actually a subset of subdivision (b)(3) (impaired memory). The third paragraph of the Comment has been revised accordingly.

Additionally, rather than attempt to explain the case law cited within the third and fourth paragraphs of the Comment, the Committee proposes to remove those discussions and cite the cases and add parenthetical descriptions of the holdings. This approach allows the opinions to “speak for themselves.”

The fifth paragraph is proposed to be amended to recognize the use of judicial observation and witness *voir dire*/colloquy as means of determining whether a competency hearing and expert is necessary. See *Commonwealth v. Thomas*, 215 A.3d 36, 43–45 (Pa. 2019). The Committee also proposes modifying the discussion of competency hearings being conducted outside the presence of the jury.

The discussion of *Commonwealth v. Washington*, 722 A.2d 643 (Pa. 1998), as it relates to proceeding outside the presence of the jury, is also located in Pa.R.E. 104, cmt. at ¶ 6 concerning preliminary questions. In *Commonwealth v. Hutchinson*, 25 A.3d 277 (Pa. 2011), the trial court judge conducted a brief colloquy of a minor to determine whether the minor understood the duty to tell the truth. Thereafter, the prosecutor conducted *voir dire* to establish the minor’s competency as a witness. The prosecutor conducted *voir dire* of another minor witness to establish competency. Both the colloquy and *voir dire* were performed in the presence of the jury.

Through a PCRA, the defendant claimed that counsel was ineffective for not objecting to the competency colloquy and *voir dire* being conducted in the presence of the jury. On appeal, the Court concluded that the claim had arguable merit given the requirement of *Washington*. See *id.* at 295. Thus, it appears that a colloquy or *voir dire* for the purpose of determining competency must be conducted outside of the presence of the jury. However, the Court held that the defendant was not prejudiced because the judge did not make a formal ruling that the minors were competent. See *id.* Further, the jury was instructed that they were solely responsible for determining credibility. See *id.* at 295-296. Finally, the notes of testimony indicated that the minor witnesses were competent. See *id.* at 296–299.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 23-1069. Filed for public inspection August 11, 2023, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 6]

Proposed Amendment of Pa.R.Crim.P. 632

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 632 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Joshua M. Yohe, Counsel
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Supreme Court of Pennsylvania
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FAX: (717) 231-9521
criminalrules@pacourts.us

All communications in reference to the proposal should be received by Tuesday, September 12, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural
Rules Committee

STEFANIE SALAVANTIS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART C(1). Impaneling Jury

Rule 632. Juror Information Questionnaire.

([A]**a**) Prior to *voir dire*:

(1) Each prospective juror shall complete and verify the standard, confidential juror information questionnaire required by [**paragraph (H)**] **subdivision (i)** of this rule, and any supplemental questionnaire provided by the court.

(2) The president judge shall designate the method for distributing and maintaining the juror information questionnaires.

(3) The trial judge and the attorneys shall receive copies of the completed questionnaires for use during *voir dire*, and the attorneys shall be given a reasonable opportunity to examine the questionnaires.

[B]b The information provided by the jurors on the questionnaires shall be confidential and limited to use for the purpose of jury selection **[only] and pursuant to subdivision (h)**. Except for disclosures made during *voir dire*, or unless the trial judge otherwise orders pursuant to **[paragraph (F), this] subdivision (f), non-aggregated, personally identifiable** information shall only be made available to the trial judge, the defendant **[(s)]** and the attorney **[(s)]** for the defendant **[(s)]**, and the attorney for the Commonwealth.

[C]c The original and any copies of the juror information questionnaires shall not constitute a public record.

[D]d Juror information questionnaires shall be used in conjunction with the examination of the prospective jurors conducted by the judge or counsel pursuant to Rule 631(E), **or for the purposes of subdivision (h)**.

[E]e If the court adjourns before *voir dire* is completed, the trial judge may order that the attorneys be permitted to retain their copies of the questionnaires during the adjournment. When copies of the questionnaires are permitted to be taken from the courtroom, the copies:

(1) shall continue to be subject to the confidentiality requirements of this rule, and to the disclosure requirements of **[paragraph (B)] subdivision (b)**; and

(2) shall not be duplicated, distributed, or published.

The trial judge may make such other order to protect the copies as is appropriate.

[F]f The original questionnaires of all impaneled jurors shall be retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge **or retained for the purposes of subdivision (h)**. Upon completion of *voir dire*, all copies of the questionnaires shall be returned to the trial judge and destroyed, unless otherwise ordered by the trial judge at the request of the defendant **[(s)]**, the attorney **[(s)]** for the defendant **[(s)]**, or the attorney for the Commonwealth, **or unless retained for the purposes of subdivision (h)**.

[G]g **Subject to subdivision (h)**, **[The] the** original and any copies of questionnaires of all prospective jurors not impaneled or not selected for any trial shall be destroyed upon completion of the jurors' service.

(h) Nothing in this rule shall prevent judicial districts from individually electing to retain the information provided by prospective or impaneled jurors on their questionnaires for the purpose of assessing their district's juror demographics as it relates to the constitutional guarantee that juries be drawn from a representative cross-section of the community, provided that such information may only be retained or published by the districts in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the prospective or impaneled jurors.

[H]i The form of the juror information questionnaire shall be as follows:

**JUROR INFORMATION QUESTIONNAIRE
CONFIDENTIAL; NOT PUBLIC RECORD**

NAME: LAST		FIRST	MIDDLE INITIAL	
CITY/TOWNSHIP		COMMUNITIES IN WHICH YOU RESIDED OVER THE PAST 10 YEARS:		
MARITAL STATUS: MARRIED <input type="checkbox"/>	SINGLE <input type="checkbox"/>	SEPARATED <input type="checkbox"/>	DIVORCED <input type="checkbox"/>	WIDOWED <input type="checkbox"/>
OCCUPATION		OCCUPATION(S) PAST 10 YEARS		
OCCUPATION OF SPOUSE/OTHER		PAST 10 YEARS OCCUPATION OF SPOUSE/OTHER		
NUMBER OF CHILDREN		[RACE: <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> HISPANIC <input type="checkbox"/> OTHER]		

<p>RACE (Circle all that apply)</p>	<p>American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.</p> <p>Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</p> <p>Black or African American: A person having origins in any of the Black racial groups of Africa.</p> <p>Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</p> <p>White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.</p>	
<p>ETHNICITY (Circle One)</p>	<p>Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.</p> <p>Not Hispanic or Latino.</p>	
<p>GENDER (Circle One)</p>	<p>Male</p> <p>Female</p> <p>Other _____</p>	
<p>RELIGION (Optional)</p>	<p>_____</p>	
<p>LEVEL OF EDUCATION YOURS</p>	<p>SPOUSE/OTHER</p>	<p>CHILDREN</p>

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Have you ever served as a juror before?
If so, were you ever on a hung jury? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you have any religious, moral, or ethical beliefs that would prevent you from sitting in judgment in a criminal case and rendering a fair verdict? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Do you have any physical or psychological disability that might interfere with or prevent you from serving as a juror? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have you or anyone close to you ever been the victim of a crime? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you or anyone close to you ever been charged with or arrested for a crime, other than a traffic violation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you or anyone close to you ever been an eyewitness to a crime, whether or not it ever came to court? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you or anyone close to you ever worked in law enforcement or the justice system? This includes police, prosecutors, attorneys, detectives, security or prison guards, and court related agencies. | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Would you be more likely to believe the testimony of a police officer or any other law enforcement officer because of his or her job? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Would you be less likely to believe the testimony of a police officer or other law enforcement officer because of his or her job? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Would you have any problem following the court's instruction that the defendant in a criminal case is presumed to be innocent unless and until proven guilty beyond a reasonable doubt? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Would you have any problem following the court's instruction that the defendant in a criminal case does not have to take the stand or present evidence, and it cannot be held against the defendant if he or she elects to remain silent or present no evidence? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Would you have any problem following the court's instruction in a criminal case that just because someone is arrested, it does not mean that the person is guilty of anything? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. In general, would you have any problem following and applying the judge's instruction on the law? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Would you have any problem during jury deliberations in a criminal case discussing the case fully but still making up your own mind? | <input type="checkbox"/> | <input type="checkbox"/> |

15. Are you presently taking any medication that might interfere with or prevent you from serving as a juror?
16. Is there any other reason you could not be a fair juror in a criminal case?

I hereby certify that the answers on this form are true and correct. I understand that false answers provided herein subject me to penalties under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

SIGNATURE _____

DATE _____

Comment

This rule requires that, prior to *voir dire* in any criminal case, the prospective jurors, including prospective alternate jurors, must complete the standard, confidential juror information questionnaire required in [paragraph (H)] subdivision (i), and that the trial judge and attorneys must automatically be given copies of the completed questionnaires in time to examine them before *voir dire* begins. Compare Rule 625, which provides that attorneys must request copies of juror qualification forms for the jurors summoned in their case.

Under [paragraph (A)(2)] subdivision (a)(2), it is intended that the president judge of each judicial district may designate procedures for submitting the questionnaire to the jurors and maintaining them upon completion. For example, some districts may choose to mail them along with their jury qualification form, while others may desire to have the questionnaire completed by the panel of prospective jurors when they report for jury service. This rule, however, mandates that the questionnaires be completed by each prospective juror to a criminal case.

Each judicial district must provide the jurors with instructions for completing the form [,] and inform them of the procedures for maintaining confidentiality of the questionnaires. It is expected that each judicial district will inform the jurors that the questionnaires will only be used for jury selection **or for the limited purposes provided in subdivision (h).**

Pursuant to [paragraph (C)] subdivision (c), the juror information questionnaire is not a public record and therefore may not be combined in one form with the qualification questionnaire required by Rule 625. However, nothing in this rule would prohibit the distribution of both questionnaires in the same mailing.

Under [paragraph (B)] subdivision (b), the **disaggregated information provided by the jurors that contains their individualized, personally identifiable information** is confidential and may be used only for the purpose of jury selection. Except for disclosures made during *voir dire*, [the] **such** information in the completed questionnaires may not be disclosed to anyone except the trial judge, the attorneys and any persons assisting the attorneys in jury selection, such as a member of the trial team or a consultant hired to assist in jury selection, the defendant, and any court personnel designated by the judge. Even once disclosed to such persons, however, the information in the questionnaires remains confidential. **Nothing in this rule is intended to prohibit or discourage the collection and retention of aggregated juror demographic data pursuant to subdivision (h).**

Although the defendant may participate in *voir dire* and have access to information from the questionnaire, nothing in this rule is intended to allow a defendant to have a copy of the questionnaire.

[Paragraph (D)] Subdivision (d) makes it clear that juror information questionnaires are to be used in conjunction with the oral examination of the prospective jurors [,] and are not to be used as a substitute for the oral examination. Juror information questionnaires facilitate and expedite the *voir dire* examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions. Although nothing in this rule is intended to preclude oral questioning during *voir dire*, the scope of *voir dire* is within the discretion of the trial judge. See, e.g., *Commonwealth v. McGrew*, 100 A.2d 467 (Pa. 1953) and Rule 631(E).

[Paragraph (E)] Subdivision (e) provides, upon order of the trial judge, that only attorneys in the case, subject to strict limitations imposed by the court, may retain their copies of the juror information questionnaires during adjournment.

[Paragraph (F)] Subdivision (f) provides the procedures for the collection and disposition of the original completed questionnaires and copies for impaneled jurors. Once *voir dire* is concluded, all copies of the completed questionnaires are returned to the official designated by the president judge pursuant to [paragraph (A)(2),] **subdivision (a)(2) and destroyed promptly or retained for the limited purposes of subdivision (h).** The original completed questionnaires of the impaneled jury must be retained in a sealed file in the manner prescribed pursuant to [paragraph (A)(2),] **subdivision (a)(2) and destroyed upon the conclusion of the juror's service, unless the trial judge orders otherwise or unless retained for the limited purposes of subdivision (h).** Because the information in the questionnaires is confidential, the trial judge should only order retention of the original questionnaires under unusual circumstances. Such a circumstance would arise, for example, if the questionnaires were placed at issue for post-verdict review. In that event, the judge would order the preservation of the questionnaires in order to make them part of the appellate record. **Nothing in this rule is intended to prevent the trial or president judge, court administrator, or other relevant official from retaining the original questionnaires for the limited purposes of subdivision (h).**

Under [paragraph (G)] subdivision (g), the original and any copies of the questionnaires of those jurors not impaneled and not selected for any jury must be destroyed [**without exception**] upon completion of their service **unless retained for the limited purposes of subdivision (h).**

There may be situations in which the attorneys and judge would want to prepare an individualized questionnaire for a particular case. In this situation, a supplemental questionnaire, **as permitted by subdivision (a)(1),** would be used together with the standard juror informa-

tion questionnaire, and the disclosure and retention provisions in [paragraphs (B) and (F)] subdivisions (b) and (f) would apply. [See paragraph (A)(1).]

[*Official Note:*

Former Rule 1107 rescinded September 28, 1975. Present Rule 1107 adopted September 15, 1993, effective January 1, 1994; suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order is superseded by the September 18, 1998 Order, and present Rule 1107 adopted September 18, 1998, effective July 1, 1999; renumbered Rule 632 and amended March 1, 2000, effective April 1, 2001; amended May 2, 2005, effective August 1, 2005; amended July 7, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the September 18, 1998 adoption of new Rule 1107 concerning juror information questionnaires published with the Court's Order at 29 Pa.B. 4887 (October 3, 1999).

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

Final Report explaining the May 2, 2005 amendments to the mandatory juror information questionnaire form published at 35 Pa.B. 2870 (May 14, 2005).

Final Report explaining the July 7, 2015 amendments correcting cross-references to Rules 625 and 631 published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).]

SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE

REPUBLICATION REPORT

Proposed Amendment of Pa.R.Crim.P. 632.

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 632. The proposed amendment would revise the juror information questionnaire by increasing the number of categories of race and ethnicity from which a juror may choose, including a query for gender, and including an optional query for religion. The rule would also be amended to explicitly permit judicial districts to retain information provided by prospective and impaneled jurors so long as such information is only retained in the aggregate.

Currently, Pa.R.Crim.P. 632(H) sets forth the juror information questionnaire. Among sections seeking biographical information, *e.g.*, name, city, and marital status, there is a section soliciting prospective jurors to identify their race. The form presents the juror with four choices: "white," "black," "Hispanic," and "other." Each choice is accompanied by a corresponding checkbox. The "other" checkbox, however, does not have an accompanying space for the juror to disclose a specific race. The questionnaire does not solicit prospective or impaneled jurors to identify their ethnicity, their gender, or their religion. This current version of the juror information questionnaire containing a "race box" was first adopted in 1998. *See* 28 Pa.B. 4883 (October 3, 1998). The purpose of the questionnaire was to "reduce otherwise lengthy *voir dire* practices [] and ensure that basic information about the jurors is known to the parties." As governed by

Pa.R.Crim.P. 632, the information contained in the questionnaires is made available only to the trial judge, the defendant, the defendant's attorney, and the attorney for the Commonwealth and only for the purpose of jury selection. Pa.R.Crim.P. 632(B). The questionnaires are to be returned to the judge at the completion of a juror's service and destroyed.

The Committee's review of Pa.R.Crim.P. 632 was prompted by an observation that the questionnaire's options for race and ethnicity were too limited. Additionally, the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness (Interbranch) requested that the rule be amended to permit judicial districts to retain aggregated, non-identifiable juror demographic information for the purpose of assessing whether juries are drawn from a representative cross-section of the community.

As previously published, *see* 53 Pa.B. 1660 (March 25, 2023), the Committee expanded the categories of race and ethnicity to include sufficient categories for use in a *Batson* challenge and proposed querying for gender to provide additional relevant *Batson* information. *See Batson v. Kentucky*, 476 U.S. 79 (1986). In response to the Interbranch's request, the Committee proposed subdivision (h), which would permit retention of juror data, provided the data is retained in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the prospective or impaneled jurors. Please note, subdivision (h) is intended to permit the retention of this information; it is not intended to require retention. Whether that data is retained is an administrative, rather than procedural, matter.

After publishing the prior proposal for comment, the Committee was urged by a commenter to include a query for religious affiliation. In response, the Committee is proposing the addition of a blank space on the questionnaire for a prospective juror to identify their religion. Recognizing that *Batson* has not yet been extended to prohibit peremptory strikes based on religion, *see Davis v. Minnesota*, 511 U.S. 1115 (1994) (denying *certiorari*), *see also U.S. v. DeJesus*, 347 F.3d 500 (3rd Cir. 2003) (affirming the district court and declining to "reach the issue of whether a peremptory strike based solely on religious affiliation would be unconstitutional"), the Committee has chosen to make providing this information optional, as indicated on the questionnaire. To better inform itself, the Committee seeks public comment on the merit of this proposed revision to the juror questionnaire. In all other respects, this proposal is identical to the previously published proposal.

[Pa.B. Doc. No. 23-1070. Filed for public inspection August 11, 2023, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LUZERNE COUNTY

Rescission of Family Court Local Rules Prior to the Order Entered on December 15, 2022; No. 07803 of 2023

Order

And Now, this 28 day of July, 2023, it is hereby Ordered and Decreed as follows:

1. The Luzerne County Court of Common Pleas of the 11th Judicial District of Pennsylvania hereby rescinds all

Luzerne County Family Court Local Rules with regard to Support, Custody and Divorce, (excluding all Local Rules of Civil Procedure adopted by Court Order of February 16, 2017, docketed to No. 1742 of 2017) as the Rules appear prior to the effective date of the Order entered on December 15, 2022, docketed to No. 00003 of 2022.

2. Pursuant to Pa.R.J.A. 103(d) and Pa.R.C.P. 239(c), this Order shall be disseminated and published in the following manner:

a. One copy via email to the Administrative Office of Pennsylvania Courts;

b. Two paper copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and one electronic copy via e-mail saved in a Microsoft format to bulletin@palrb.us;

c. One copy for publication on the Court's website, located at www.luzernecounty.org; and

d. One copy to the Luzerne County Office of Court Administration, *Luzerne Legal Register*, and the Luzerne County Clerk of Judicial Records for public inspection and copying.

3. It is further Ordered that the effective date of this Order shall be thirty (30) days after the date of Publication in the *Pennsylvania Bulletin*.

4. It is further Ordered that this Order shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County.

By the Court

MICHAEL T. VOUGH,
President Judge

[Pa.B. Doc. No. 23-1071. Filed for public inspection August 11, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Administrative Order AD-248-23; Crime Victims Services Fund

Order

And Now, this 2nd day of August, 2023, pursuant to 18 P.S. § 11.1101(a), it is *Ordered* that, in addition to costs imposed under 42 Pa.C.S. § 3571(c), this Court approves the increased assessment of the Crime Victim Services and Compensation Act 77 of 2022 (CVSC) to a total of \$100, unless otherwise ordered by the Court. This cost shall apply to any person who pleads guilty or nolo contendere or who is convicted of a crime as defined in Title 18 Section 11.103. This cost shall be imposed by the Magisterial District Courts and the Court of Common Pleas in the 38th Judicial District notwithstanding any statutory provision to the contrary.

Furthermore, pursuant to 18 P.S. § 11.1101(b), seventy percent (70%) of any costs imposed which exceed the minimum \$60 shall be paid into the Montgomery County Victim Services Fund established and administered by the Montgomery County Treasurer. The remaining portion shall be paid pursuant to 18 P.S. § 11.1101(b).

This Administrative Order shall be effective thirty (30) days after publication thereof in the *Pennsylvania Bulletin* and shall apply to all matters then pending.

By the Court

CAROLYN T. CARLUCCIO,
President Judge

[Pa.B. Doc. No. 23-1072. Filed for public inspection August 11, 2023, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
532	AMERICAN BANK (PA)
615	Americhoice Federal Credit Union
116	AMERISERV FINANCIAL
648	Andover Bank (The)
377	Apollo Trust Company

Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
662	BANK OF BIRD-IN-HAND
415	Bank of Landisburg (The)
596	BANK OF PRINCETON (THE)
664	BankUnited, NA
501	BELCO Community Credit Union
673	BENCHMARK FEDERAL CREDIT UNION
652	Berkshire Bank
663	BHCU
5	BNY Mellon, NA
392	Brentwood Bank
495	Brown Brothers Harriman Trust Co., NA

Bank Code C.

654	CACL Federal Credit Union
618	Capital Bank, NA
675	CENTRE 1ST BANK, A DIVISION OF OLD DOMINION NATIONAL BANK
394	CFS BANK
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
206	Citizens Savings Bank

576 Clarion County Community Bank
 591 Clearview Federal Credit Union
 23 CNB Bank
 223 Commercial Bank & Trust of PA
 21 Community Bank (PA)
 371 Community Bank, NA (NY)
 132 Community State Bank of Orbisonia
 380 County Savings Bank
 536 Customers Bank

Bank Code D.

339 Dime Bank (The)
 27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
 567 Embassy Bank for the Lehigh Valley
 541 Enterprise Bank
 28 Ephrata National Bank
 601 Esquire Bank, NA
 340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
 158 1st Summit Bank
 31 F & M Trust Company—Chambersburg
 658 Farmers National Bank of Canfield
 34 Fidelity Deposit & Discount Bank (The)
 583 Fifth Third Bank
 661 First American Trust, FSB
 643 First Bank
 174 First Citizens Community Bank
 191 First Columbia Bank & Trust Company
 539 First Commonwealth Bank
 674 First Commonwealth Federal Credit Union
 504 First Federal S & L Association of Greene
 County
 525 First Heritage Federal Credit Union
 42 First Keystone Community Bank
 51 First National Bank & Trust Company of
 Newtown (The)
 48 First National Bank of Pennsylvania
 426 First Northern Bank & Trust Company
 604 First Priority Bank, a division of Mid Penn
 Bank
592 FIRST RESOURCE BANK
 657 First United Bank & Trust
 408 First United National Bank
 151 Firstrust Savings Bank
 416 Fleetwood Bank
 175 FNCB Bank
647 FORBRIGHT BANK
 291 Fox Chase Bank
 241 Franklin Mint Federal Credit Union
 639 Freedom Credit Union
 58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
 498 Greenville Savings Bank

Bank Code H.

244 Hamlin Bank & Trust Company
 362 Harleysville Savings Bank
 363 Hatboro Federal Savings
 463 Haverford Trust Company (The)
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)

605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

669 Industrial Bank
 365 InFirst Bank
 668 Inspire FCU
 557 Investment Savings Bank
 526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M & T Bank
 510 Marquette Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 367 Mauch Chunk Trust Company
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 671 Merchants Bank of Indiana
 610 Meridian Bank
 294 Mid Penn Bank
276 MIFFLINBURG BANK & TRUST COMPANY
 457 Milton Savings Bank
484 MUNCY BANK & TRUST COMPANY (THE)

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
434 NEW TRIPOLI BANK
 15 NexTier Bank, NA
 666 Northern Trust Co.
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 PARKE BANK
 584 Parkview Community Federal Credit Union
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 665 Pinnacle Bank
 79 PNC Bank, NA
 449 Port Richmond Savings

667	Premier Bank
354	Presence Bank
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
491	PS Bank

Bank Code Q.

107	QNB Bank
560	Quaint Oak Bank

Bank Code R.

452	Reliance Savings Bank
220	Republic First Bank d/b/a Republic Bank

Bank Code S.

153	S & T Bank
316	Santander Bank, NA
460	Second Federal S & L Association of Philadelphia
646	Service 1st Federal Credit Union
458	Sharon Bank
462	Slovenian Savings & Loan Association of Franklin-Conemaugh
486	SOMERSET TRUST COMPANY
633	SSB Bank
122	Susquehanna Community Bank

Bank Code T.

638	3Hill Credit Union
143	TD Bank, NA
656	TIOGA FRANKLIN SAVINGS BANK
182	Tompkins Vist Bank
660	Top Tier FCU
577	Traditions Bank
609	Tristate Capital Bank
672	Truist Bank
640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

Bank Code U.

483	UNB Bank
481	Union Building and Loan Savings Bank
634	United Bank, Inc.
472	United Bank of Philadelphia
475	United Savings Bank
600	Unity Bank
232	Univest Bank & Trust Co.

Bank Code V.

611	Victory Bank (The)
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Bank Code W.

119	Washington Financial Bank
121	Wayne Bank
631	WELLS FARGO BANK, NA
553	WesBanco Bank, Inc.
494	West View Savings Bank
473	Westmoreland Federal S & L Association
476	William Penn Bank
272	Woodlands Bank
573	Woori America Bank
630	WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

*New**Name Change*

364	Huntingdon Valley Bank—Change to 174 First Citizens Community Bank
636	Noah Bank—Change to 596 Bank of Princeton (The)
386	Malvern Bank, NA—Change to 643 First Bank

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 23-1073. Filed for public inspection August 11, 2023, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Jay Arthur Rosenberg, (# 325011), having been disbarred in the District of Columbia Court of Appeals and having his privilege to practice law revoked in the Commonwealth of Virginia, the Supreme Court of Pennsylvania issued an Order July 28, 2023, disbaring Jay Arthur Rosenberg, from the Bar of this Commonwealth, effective August 27, 2023.

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

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 23-1074. Filed for public inspection August 11, 2023, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that on July 28, 2023, pursuant to Rule 214(d)(5), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Marc William Nuzzo (# 89065) be placed on Temporary Suspension from the practice of law, effective August 27, 2023. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 23-1075. Filed for public inspection August 11, 2023, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 237 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 2nd day of August, 2023, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

Bank Code A.

595 Abacus Federal Savings Bank
2 ACNB Bank
613 Allegent Community Federal Credit Union
375 Altoona First Savings Bank
376 Ambler Savings Bank
532 **AMERICAN BANK (PA)**
615 Americhoice Federal Credit Union
116 **AMERISERV FINANCIAL**
648 Andover Bank (The)
377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
485 Bank of America, NA
662 **BANK OF BIRD-IN-HAND**
415 Bank of Landisburg (The)
596 **BANK OF PRINCETON (THE)**
664 BankUnited, NA
501 BELCO Community Credit Union
673 **BENCHMARK FEDERAL CREDIT UNION**
652 Berkshire Bank
663 BHCU
5 BNY Mellon, NA
392 Brentwood Bank
495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
675 **CENTRE 1ST BANK, A DIVISION OF OLD
DOMINION NATIONAL BANK**
394 **CFS BANK**
623 Chemung Canal Trust Company

599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank, NA
206 Citizens Savings Bank
576 Clarion County Community Bank
591 Clearview Federal Credit Union
23 CNB Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
380 County Savings Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
567 Embassy Bank for the Lehigh Valley
541 Enterprise Bank
28 Ephrata National Bank
601 Esquire Bank, NA
340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
158 1st Summit Bank
31 F & M Trust Company—Chambersburg
658 Farmers National Bank of Canfield
34 Fidelity Deposit & Discount Bank (The)
583 Fifth Third Bank
661 First American Trust, FSB
643 First Bank
174 First Citizens Community Bank
191 First Columbia Bank & Trust Company
539 First Commonwealth Bank
674 First Commonwealth Federal Credit Union
504 First Federal S & L Association of Greene
County
525 First Heritage Federal Credit Union
42 First Keystone Community Bank
51 First National Bank & Trust Company of
Newtown (The)
48 First National Bank of Pennsylvania
426 First Northern Bank & Trust Company
604 First Priority Bank, a division of Mid Penn
Bank
592 **FIRST RESOURCE BANK**
657 First United Bank & Trust
408 First United National Bank
151 Firstrust Savings Bank
416 Fleetwood Bank
175 FNCB Bank
647 **FORBRIGHT BANK**
291 Fox Chase Bank
241 Franklin Mint Federal Credit Union
639 Freedom Credit Union
58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
498 Greenville Savings Bank

Bank Code H.

244 Hamlin Bank & Trust Company
362 Harleysville Savings Bank
363 Hatboro Federal Savings
463 Haverford Trust Company (The)

606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

669 Industrial Bank
 365 InFirst Bank
 668 Inspire FCU
 557 Investment Savings Bank
 526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 659 JPMorgan Chase Bank, NA
 72 **JUNIATA VALLEY BANK (THE)**

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M & T Bank
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 367 Mauch Chunk Trust Company
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 671 Merchants Bank of Indiana
 610 Meridian Bank
 294 Mid Penn Bank
 276 **MIFFLINBURG BANK & TRUST COMPANY**
 457 Milton Savings Bank
 484 **MUNCY BANK & TRUST COMPANY (THE)**

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
 434 **NEW TRIPOLI BANK**
 15 NextTier Bank, NA
 666 Northern Trust Co.
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 **PARKE BANK**
 584 Parkview Community Federal Credit Union
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 665 Pinnacle Bank
 79 PNC Bank, NA

449 Port Richmond Savings
 667 Premier Bank
 354 Presence Bank
 451 Progressive-Home Federal Savings & Loan
 Association
 637 Provident Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank
 220 Republic First Bank d/b/a Republic Bank

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 460 Second Federal S & L Association of
 Philadelphia
 646 Service 1st Federal Credit Union
 458 Sharon Bank
 462 Slovenian Savings & Loan Association of
 Franklin-Conemaugh
 486 **SOMERSET TRUST COMPANY**
 633 SSB Bank
 122 Susquehanna Community Bank

Bank Code T.

638 3Hill Credit Union
 143 TD Bank, NA
 656 **TIOGA FRANKLIN SAVINGS BANK**
 182 Tompkins Vist Bank
 660 Top Tier FCU
 577 Traditions Bank
 609 Tristate Capital Bank
 672 Truist Bank
 640 TruMark Financial Credit Union
 467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
 481 Union Building and Loan Savings Bank
 634 United Bank, Inc.
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Univest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 Washington Financial Bank
 121 Wayne Bank
 631 **WELLS FARGO BANK, NA**
 553 WesBanco Bank, Inc.
 494 West View Savings Bank
 473 Westmoreland Federal S & L Association
 476 William Penn Bank
 272 Woodlands Bank
 573 Woori America Bank
 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.**

PLATINUM LEADER BANKS

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

*New**Name Change*

- 364 Huntingdon Valley Bank—Change to 174 First
 Citizens Community Bank
636 Noah Bank—Change to 596 Bank of Princeton
 (The)
386 Malvern Bank, NA—Change to 643 First Bank

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 23-1076. Filed for public inspection August 11, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 225, 227, 227a AND 228]

Radiation Safety Requirements for Non-Healing Arts Radiation-Producing Devices

The Environmental Quality Board (Board) amends Chapters 225 and 228 (relating to radiation safety requirements for industrial radiographic operations; and radiation safety requirements for particle accelerators), deletes Chapter 227 and adds Chapter 227a (relating to radiation safety requirements for non-healing arts radiation-producing devices) to read as set forth in Annex A. The amendments include clarification and guidance regarding radiation safety and update the standards for protection against radiation.

There have been important advances in technology and use of X-rays and other ionizing radiation particles over the past 20 years for industrial radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization and security screening. A new model Suggested State Regulation (SSR) Part H was developed and finalized by the Conference of Radiation Control Program Directors (CRCPD). This SSR reviewed the advances in technology over the past 20 years and is used as reference material with the update to Chapter 227 as follows: This SSR reviewed the advances in technology over the past 20 years and is used as reference material with the deletion of Chapter 227 and addition of Chapter 227a.

This final-form rulemaking was adopted by the Board at its meeting of November 15, 2022.

A. Effective Date

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

B. Contact Persons

For further information contact John Chipppo, Chief, Division of Radiation Control, P.O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 783-9730, or Nicholas Pistory, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-9372. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," and then navigate to the Board meeting of November 15, 2022).

C. Statutory Authority

This final-form rulemaking is authorized under section 301(c) of the Radiation Protection Act (35 P.S. § 7110.301(c)), which directs the Department to develop and conduct comprehensive programs addressing the "...registration, licensing, control, management, regulation and inspection of radiation sources and radiation source users[.]" section 302(a) of the Radiation Protection Act (35 P.S. § 7110.302(a)), which requires the Board to "...adopt the rules and regulations of the department to

accomplish the purposes and carry out the provisions of [this] act[.]" and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.

D. Background and Purpose

The Board last updated the Commonwealth's radiological health regulations in 2019 to provide for updates and technological advances in uses of radiation sources for medical X-ray operations. However, radiological health regulations related to nonmedical X-ray equipment have not been updated since 2009. Since then, advancements in X-rays and other ionizing radiation particles used for nonmedical purposes have necessitated updated regulations to ensure the public, workers and environment are protected from the potentially harmful effects of ionizing radiation. Overexposure to radiation can cause a wide range of potential negative health impacts, such as skin burns, radiation sickness, cancer and death in the most extreme cases.

Given the potential health impacts, these amendments address nonmedical X-ray operations and emerging technologies in the industrial field to ensure that exposure to radiation from nonmedical radiation-producing devices is as low as reasonably possible. Some examples of nonmedical X-ray operations and emerging technologies that these regulations apply to include many recent advances in X-ray capabilities for bomb detection, contraband scanning, and advanced welding and detection capabilities.

These amendments affect approximately 1,400 radiation-producing device registrants in this Commonwealth. These registrants include radiographers, drug rehabilitation centers, food manufacturers, primary metal manufacturers, fabricated metal product manufacturers, machinery manufacturers, computer and electronic product manufacturers and other miscellaneous manufacturers. In addition to these types of businesses, registrants could be government offices such as prisons and courthouses, universities and research laboratories. A small number of registrants for radiation-producing devices used in individual security screening are affected by being required to provide training on the use of equipment to staff that do not have formal training or knowledge in radiological sciences or radiation safety. These are the registrants of radiation-producing devices used in individual security screening as described in § 227a.52 (relating to radiation-producing devices used in individual security screening). However, all current registrants have obtained this training.

This final-form rulemaking was developed in consultation with the Department's Radiation Protection Advisory Committee (RPAC). Members of RPAC represent the regulated community, including professional health physics and medical physics organizations, as well as environmental, health, science, engineering, business or public interest groups. This final-form rulemaking was introduced to RPAC on March 3, 2022. On March 3, 2022, RPAC voted to concur with the Department's recommendation that this final-form rulemaking move forward in the regulatory process.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

The amendments to Chapter 225 are intended to separate and more clearly outline requirements applicable

to nonmedical X-ray operations and field radiography. Chapter 227, which pertained to radiation safety requirements for analytical X-ray gauging equipment, electron microscopes and X-ray calibration systems, is deleted and reserved. Regulations in Chapter 227 are moved to Chapter 227a, which outlines radiation requirements for these nonhealing arts radiation-producing devices. The requirements are rewritten and rearranged to incorporate SSR Part H and Part E, and to clarify all the requirements. The regulated community suggested that creating this chapter would help them to clearly understand their regulatory obligations. Chapter 228 is amended to update a definition to match the United States Nuclear Regulatory Commission's terminology.

These amendments are based on standards for radiation-producing devices set by recognized accrediting bodies and National organizations. Specifically, the amendments incorporate the SSR Part H and the training requirements in SSR Part E that were developed by CRCPD. The American National Standards Association was consulted in developing these amendments. One of CRCPD's goals is to ensure uniformity in Federal and state radiation protection laws and regulations. Typically, Federal agencies develop radiation control regulations and standards, but it is left to the state to implement and enforce those regulations and standards. The CRCPD reviews draft and final Federal regulations and, through various working groups, develops model state regulations called SSRs. A new SSR could be developed for a given issue or problem, but more often they are updated to reflect new Federal regulations. As with Federal regulations, once new or revised SSRs are complete, they undergo a CRCPD Board and peer review and then are published as draft within the CRCPD Director Members for comment. The draft SSRs are sent to Federal agencies for concurrence. States may adopt a CRCPD model state SSR as is or modify them to conform to their regulatory frameworks.

Unless otherwise indicated, the sections described as follows were not altered from the proposed rulemaking to this final-form rulemaking.

Chapter 225. Radiation Safety Requirements for Industrial Radiographic Operations

The heading for Subchapter B (relating to radiation-producing machines) is amended to "Radiation-Producing Devices" to more accurately reflect the applicability of the subchapter. Similar changes are included throughout various sections of Chapter 225.

§ 225.71. Definitions

Section 225.71 (relating to definitions) is amended to add a definition for "radiographic X-ray systems" to accommodate the amendments to § 225.101 (relating to cabinet X-ray systems and baggage/package X-ray systems) and delete the definitions of "cabinet radiography," "cabinet X-ray system," "certified cabinet X-ray system," "permanent radiographic installation" and "shielded room radiography." These deleted definitions are moved to Chapter 227a. The definition of "radiographer trainee" is deleted because, according to the industry, this is not a position. The definition of "industrial radiography" is amended to match the Federal definition: "[a]n examination of the structure of materials by nondestructive methods, utilizing ionizing radiation to make radiographic images."

§ 225.72. Duties of personnel

Subsection (d) is deleted and reserved. The prohibition in subsection (d) against a radiographer trainee using

radiation-producing devices is not applicable because, according to the industry, there is not a position as a radiographer trainee. This is the reason for the deletion of the definition of "radiographer trainee" in § 225.71 as well.

§ 225.74. Training and testing

Subsection (a)(3) is amended by adding "at least 160 hours" to the requirement of receiving instruction covering regulatory requirements, operating and emergency procedures, and the use of radiation-producing devices and radiation survey instruments of the registrant or licensee. This amendment is needed to incorporate the training requirement from SSR Part E. Subsection (c) is amended to lengthen the record retention requirement from 3 years to 5 years to maintain consistency throughout the Commonwealth's radiological health regulations.

§ 225.76. Reporting requirements

Subsection (a)(2) is amended by deleting the requirement of paragraph (2) that an interlock failure during shielded room radiography is subject to the reporting requirements of this section. These reporting requirements are deleted from this section because the subject of shielded room radiography has been moved to Chapter 227a. The reporting requirements in subsection (a)(1) are incorporated in subsection (a).

§ 225.81. Permanent radiographic installations

Section 225.81 (relating to permanent radiographic installations), which outlines entrance and entrance control requirements for permanent radiographic control devices, is deleted and reserved as these requirements have been moved to Chapter 227a.

§ 225.82. Operating requirements

Subsection (a) is amended to clarify that the operating requirements of this section apply to field radiographic operations rather than at a location other than a permanent radiographic installation. Also, the reference to "radiographer trainee" is deleted.

A minor editorial change is included in subsection (c)(4) of this section by switching the placement of a reference to 200 milliroentgen. This switch will equate the Board's regulations to Federal nomenclature and will not change the meaning of the subsection.

§ 225.84. Operating and emergency procedures

Paragraph (9) is amended from radiation-producing machines to radiation-producing devices.

§ 225.85. Surveys and survey records

Subsection (b) is amended to lengthen the record retention requirement from 3 years to 5 years to maintain consistency throughout the Commonwealth's radiological health regulations.

§ 225.86. Utilization logs

Several provisions are amended from radiation-producing machine to radiation-producing device. This section is amended to lengthen the record retention requirement from 3 years to 5 years to maintain consistency throughout the Commonwealth's radiological health regulations.

§ 225.92. Radiation survey meter calibration requirements

Minor editorial amendments are included for subsections (a) and (b)(5) by switching the placement of units of measurement and to correct a typographical error. These

amendments do not change the meaning of the subsections. Subsection (c) is amended to lengthen the record retention requirement from 3 years to 5 years to maintain consistency throughout the Commonwealth's radiological health regulations.

§ 225.93. *Personnel monitoring control*

A minor editorial change is made to subsection (d)(1) of this section by switching the placement of a reference to 200 mR. The switch will equate the Department's regulations to Federal nomenclature and will not change the meaning of the subsection. Subsection (d)(3) is amended to lengthen the record retention requirement from 3 years to 5 years to maintain consistency throughout the Commonwealth's radiological health regulations.

§ 225.101. *Cabinet X-ray systems and baggage/package X-ray systems*

This section is deleted and reserved. Requirements applicable to cabinet X-ray systems, security screening systems, baggage and package systems are instead addressed under Chapter 227a, as described as follows in section E.

§ 225.101a. *Radiographic X-ray systems*

This section adds requirements applicable to radiographic X-ray systems. Paragraphs (1)—(7) establish a dose limit measured at a distance of 1 meter of 100 mR in 1 hour when an X-ray tube is operated at its leakage technique factors and compliance would be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters; require that an X-ray system have a collimator to restrict the useful beam; require that a means be provided to terminate exposure after a preset time, a preset to image receptor, or a preset product of exposure time and tube current; require that the X-ray control have a dead-man type exposure switch; require that X-ray controls indicate technique factors (for example, kilovoltage, tube current and exposure time); specify labeling requirements, including a requirement for a sign bearing the radiation symbol; and a requirement that an easily visible warning light be located adjacent to an X-ray tube and be illuminated only when the X-ray tube is energized or the shutter is open. These regulations are currently in § 225.104(c) but are relocated to this section due to splitting the types of radiography regulated between Chapters 225 and 227a.

Paragraph (8) requires registrants to perform radiation surveys to demonstrate compliance with 10 CFR 20.1301 (relating to dose limits for individual members of the public). Additionally, this paragraph includes a record retention requirement of 5 years to maintain consistency throughout this Commonwealth's radiological health regulations. The registrant would be required to maintain records upon acceptance of the equipment, following maintenance requiring the disassembly or removal of any shielding equipment and when a visual inspection reveals an abnormal condition.

Paragraph (9) requires that records of tests of on-off switches, interlocks and safety devices subject to this section be maintained for 5 years rather than the currently required 3 years to ensure consistency in record retention time requirements throughout the Commonwealth's radiological health regulations.

§ 225.102. *Shielded room X-ray radiography*

This section is deleted and reserved. The provisions of subsections (a)—(c) are instead transferred to § 227a.55 (relating to shielded room radiation-producing devices)

with minor editorial changes. The exemption provision of existing subsection (d) is deleted, because shielded room radiography is transferred to Chapter 227a and these exemptions are for Chapter 225 for field radiography. Chapter 227a exemptions are in § 227a.3 (relating to exemptions).

§ 225.103. *Field radiography*

The heading of this section is amended by deleting "site" to make it clear the section applies to field radiography.

Subsection (a) is amended by requiring that survey results and records of boundary locations be maintained for 5 years rather than 3 years to ensure consistency in record retention time requirements throughout the Commonwealth's radiological health regulations.

Subsections (a.1)—(a.6) are added to require surveillance of the exposure area be maintained during operation; require that a suitable calibrated radiation detection instrument be used to verify the radiation sources is in its shielded position or that the X-ray tube has been de-energized; establish that an appropriately designed and calibrated personal alarming dose meter must be worn to approach the work area to detect the source; and that measurements of radiation levels for a radiation survey be performed using an appropriate calibrated radiation survey meter; the radiation levels shall be measured around the perimeter, which shall be adjusted accordingly, of the controlled area; and, the survey around the perimeter shall be made for each new operating condition. These provisions are incorporated from SSR Part H; however, they are split between Chapters 225 and 227a to be consistent with the types of radiography regulated under the respective chapters.

In this final-form rulemaking, the sentence "The area of operation shall be monitored periodically if radiation levels are variable" in subsection (a.6) is deleted in response to comments from the Independent Regulatory Review Commission (IRRC) because it was duplicative of the sentence explaining that a survey should be performed whenever there is a new operating condition.

§ 225.104. *X-ray detection systems for explosives, weapons and illegal items*

This section is deleted and reserved. Requirements in this section are instead addressed in Chapter 227a.

Chapter 227. Radiation Safety Requirements for Analytical X-ray Equipment, X-ray Gauging Equipment, Electron Microscopes and X-ray Calibration Systems

Chapter 227 is deleted and reserved. Chapter 227a, entitled "Radiation Safety Requirements for Non-Healing Arts Radiation-Producing Devices" and consisting of four subchapters, is added as more fully described as follows. The subchapters relate to general provisions, general technical requirements, closed-beam radiation-producing devices and open-beam radiation-producing devices. This added chapter expands upon the explanations of the requirements that were in Chapter 227 to provide more clarity to the regulated community and includes emerging technologies in the field.

Chapter 227a. Radiation Safety Requirements for Non-Healing Arts Radiation-Producing Devices

Subchapter A. General Provisions

§ 227a.1. *Purpose and scope*

Subsections (a) and (b) establish that Chapter 227a regulates nonhealing arts radiation-producing devices

operating between 5 kiloelectron volts and 1 million electron volts and apply to all devices defined in § 227a.2 (relating to definitions). It clarifies that registrants subject to this chapter would also be subject to the requirements of Chapters 215, 216, 219 and 220. The chapter does not pertain to radiation safety requirements for X-ray equipment covered under Chapters 221 (relating to X-rays in the healing arts), 225 and 228.

Subsections (c)—(f) establish that the provisions in Chapter 227a apply to cabinet radiography, shielded room radiography, bomb detection equipment and open-beam radiography. Open-beam industrial radiography not in a shielded room or specifically listed in this chapter is regulated under Chapter 225.

§ 227a.2. Definitions

This section establishes the definitions of 55 terms and acronyms which are used in Chapter 227a. These definitions have been incorporated from SSR Part H, except for “electron microscope” which is moved from deleted § 227.2, and “lockout/tagout,” “radiation-producing devices used in individual security screening system,” “open-beam radiation-producing device” and “permanent radiographic installation,” which are new definitions. Additionally, the terms “qualified expert,” “RSO—radiation safety officer” and “registrant” are added and are defined by referencing their definitions in § 215.2 (relating to definitions), as well as the definition for “X-ray tube” as defined in § 221.2 (relating to definitions).

In this final-form rulemaking, multiple amendments are made to § 227a.2 in response to comments from IRRC on the proposed rulemaking and to provide clarification. The term “analytical X-ray equipment” is not used in the regulations in Chapter 227a and is deleted. The units of measure in the definitions for “general-use system” and “limited-use system” are corrected to microrem and microsievert. The substantive requirements in the “general-use system” and “limited-use system” definitions are deleted. The “general-use system” substantive provision is redundant with requirements in § 227a.52(3). The substantive requirement in the “limited-use system” definition for additional controls and documentation to ensure dose limits are not exceeded is added to § 227a.52(4). XRF has been spelled out within the “handheld radiation-producing device” definition as it is used only once. In the definition of “radiation-producing device,” the phrase “must be” is replaced with “is” to clarify that there is no substantive requirement in the definition.

§ 227a.3. Exemptions

Subsections (a) and (b) establish that bomb protection radiation equipment and handheld radiation-producing devices are exempt from the posting requirements of § 227a.16 (relating to posting). Posting is unnecessary for these as they are mobile devices and radiation safety of the equipment and devices is under the control of the user.

Subsection (c) describes equipment which is exempt from the requirements of Chapter 227a. Exempt equipment includes domestic television receivers, cold-cathode gas discharge tubes and other electrical equipment, other than electron microscopes that produce radiation incidental to its operation. To be exempt, the referenced equipment must conform to exposure limits specified in this

final-form regulation. In this final-form rulemaking, paragraphs (1)—(3) are revised from the proposed rulemaking to replace the word “providing” with “if” to clarify that the exemption is conditioned upon not exceeding the specified exposure rates, as well as to conform to the *Pennsylvania Code & Bulletin Style Manual* § 6.15(b)(4) (relating to words and phrases).

Subsection (d) clarifies that the equipment described in this section would not be exempt from the requirements of Chapter 227a if it is used or handled in a way that an individual might receive a radiation dose in excess of limits specified in Chapter 219 (relating to standards for protection against radiation).

Subsection (e) establishes that equipment operating at less than or equal to 50 kiloelectron volts (kV) tube voltage and designed to be held by an operator is exempt from the requirements of Chapter 227a except for those set forth in §§ 227a.12 and 227a.21 (relating to labeling; and instruction and training). This is because the exposure levels are negligible and do not affect the public’s health or safety.

§ 227a.4. Application for exemptions

This section describes how a registrant that is subject to the requirements of Chapter 227a but cannot meet one or more requirements of Chapter 227a shall request an exemption to those requirements and what information needs to be submitted for the exemption. The information to be submitted would include a demonstration that the use will not result in undue hazard to public health and safety; that compliance with the provision from which exemption is sought would not require replacement or substantial modification of the radiation-producing device; and that radiation protection equivalent to that required by the provision from which the exemption is sought will be achieved. In this final-form rulemaking, a sentence is added to state the Department may consider an application for exemption to clarify an exemption is not automatic when a request for one is submitted. The words “is subject to the requirements of this chapter and” are unnecessary and are deleted.

Subchapter B. General Technical Requirements

Subchapter B (relating to general technical requirements) outlines general technical requirements applicable to Chapter 227a. Subchapter B includes §§ 227a.10—227a.22.

§ 227a.10. Radiation safety program

This section outlines the requirements for a radiation safety program for registrants intending to use radiation-producing devices. The program includes employee training, normal operating procedures, emergency procedures, monitoring reports, internal review systems and an organizational structure for radiation protection. This requirement ensures the safety of those operating and subjected to radiation-producing devices.

§ 227a.11. Warning devices

This section requires that warning devices be labeled with their purpose to ensure awareness and to have a warning light of a fail-safe design to prevent any failures of the warning light.

§ 227a.12. Labeling

Subsection (a) prescribes labeling requirements for radiation-producing devices to provide the user or anyone

near with a visual warning that the equipment may become dangerous when energized. Subsection (b) prescribes labeling requirements for radiation-producing devices with designed openings for object entries, such as baggage units.

In this final-form rulemaking, subsection (a) is amended in response to comments from IRRC. The cross-reference to § 219.159 (relating to posting of radiation-producing machines) is deleted as it was unnecessary.

§ 227a.13. *Radiation source housing*

Subsection (a) requires that when an X-ray tube housing is the primary shielding for an X-ray tube, the housing be equipped with an interlock that shuts off the high voltage to the X-ray tube if the housing is opened for normal use or maintenance.

Subsection (b) requires that the housing be constructed so that the leakage radiation measurement at 5 centimeters distance does not exceed 2.5 millirem to ensure dose rates are maintained at a rate that is as low as reasonably achievable.

§ 227a.14. *Generating cabinet or high voltage source radiation emission limits*

This section requires an X-ray generator or high-voltage source to have a protective cabinet that limits leakage radiation to 0.5 millirem per hour at 5 centimeters. Alternative measurement specifications are included for closed-beam radiation-producing devices, radiation-producing devices in a shielded room with the high-voltage generator also inside the room and for handheld, open-beam radiation-producing devices. These alternative measurement specifications are provided because different device types have different dose rates associated with them.

§ 227a.15. *Surveys*

Subsection (a) requires that radiation surveys must be sufficient to evaluate the radiation emissions and potential hazards and that the survey records be maintained for 5 years to ensure consistency in record retention time requirements throughout this Commonwealth's radiological health regulations. It specifies that a survey must be performed upon installation and once every 12 months thereafter; after a change in initial arrangement, number or type of local components and prior to returning to service; following maintenance that requires disassembly, removal or repair; during performance of maintenance, calibration and another procedure if it requires the presence of a primary beam while any local component is disassembled or removed; following bypass of a safety device or interlock; when a visual inspection of the local components shows an abnormal condition; and when a personal monitoring device shows an increase over the previous monitoring period or approaches the limits of 10 CFR 20.1201 (relating to occupational dose limits for adults). Surveys after these events are important, because these types of events could involve changes to the major parts of the device and therefore, the resulting beam produced could be altered. The surveys are necessary to make sure the beam is not performing outside of its intended limits.

In this final-form rulemaking, subsection (a)(7) is amended to "If a personnel monitoring device shows a radiation exposure that is greater than 25% of the annual

occupational dose limit as specified in 10 CFR 20.1201 (relating to occupational dose limits for adults)." This change is made to clarify the amount of an increase that would indicate something is wrong with the equipment that may not otherwise be apparent except through this dosimetry.

Subsection (b) provides that a registrant must have access to sufficiently calibrated, appropriate and operable radiation survey instruments to make physical radiation surveys required under Chapter 227a.

Subsection (c) requires that a registrant assure the maintenance and calibration of all monitoring and survey instruments under 10 CFR 20.1501 (relating to general) to ensure the instruments can accurately detect the type of radiation measured. In this final-form rulemaking, the term "assure" is corrected to "ensure" in response to a comment from IRRC.

Subsection (d) provides that radiation surveys are not required if a registrant otherwise demonstrates compliance with Chapter 227a to the Department's satisfaction.

§ 227a.16. *Posting*

This section requires that signage must be conspicuously posted in each area or room containing a radiation-producing device where an individual may receive 2 millirem (0.02 mSv) in any 1 hour or 100 millirem (1mSv) per year to caution individuals that radiation is produced when the device is energized.

§ 227a.17. *Security*

This section requires that radiation-producing devices must be secured at all times to be accessible or operated only by authorized personnel to prevent unauthorized use and possible unintended radiation exposure.

§ 227a.18. *Operating requirements*

Subsection (a) requires normal operating procedures to be written and available to all radiation-producing device workers to ensure all workers are properly trained in the correct use of the device, thus preventing unnecessary radiation exposure.

Subsection (b) outlines requirements relating to bypassing. A safety device or interlock may be bypassed only if approved by the radiation safety officer (RSO). When there is a bypass, a sign explaining that the safety device is not working must be placed on the radiation source housing and at the control switch. These requirements were required by § 227.13a and are being transferred to this section.

Subsection (b) also requires that records of bypasses be maintained to ensure proper procedures were followed during the bypass as these procedures will be reviewed during an inspection, and to ensure the safety of those involved in the procedure. Records of bypasses must contain the date and a detailed description of the bypass, length of time the unit was in the altered condition, the post bypass survey noted in § 227a.15 (relating to surveys) and other relevant information. The records shall be signed by the RSO, the individual who performed the bypass and the individual who restored the unit. In this final-form rulemaking, the Board clarifies in subsection (b)(3) that these records must be maintained for 5 years to maintain consistency throughout the radiological health regulations.

Subsection (c) outlines requirements relating to the control panel. A radiation-producing device may only be activated from a control panel, and indicators and con-

trols that control the primary beam must be identifiable through the use of labels, symbols, software displays or equivalent methods.

Subsection (d) outlines requirements relating to interlocks. An interlock may only be used to de-activate an X-ray tube in an emergency or during testing of an interlock system. In addition, the resetting of a radiation-producing device must only be possible from the control panel and all interlocks must be of a fail-safe design.

Subsection (e) outlines requirements applicable to multiple sources of radiation being operated from a control panel. Visual indicators must identify which tube assembly or focal spot was selected and if a letter or number is used for identification, a reference card or table explaining the code must be affixed to the control panel.

§ 227a.19. *Repair or modification of X-ray tube or radiation-producing device*

This section requires that only trained personnel or registered service providers are permitted to install or repair a radiation-producing device. It states that certain operations may only be performed after ascertaining that the X-ray tube is off and that a lock-out/tag-out must be used for routine shutdown for repairs. These requirements ensure that experts are the only individuals able to repair or modify a radiation-producing device and provides for specifications to ensure the safety of this personnel while completing the repairs.

§ 227a.20. *Testing of safety devices*

Subsection (a) requires that tests of safety devices be conducted at intervals not to exceed 12 months to ensure the proper operation of the safety devices so no unnecessary exposure of radiation could occur.

Subsection (b) requires that if a safety device fails, it must be removed from service until repaired or temporary administrative controls are established. Temporary administrative controls must be approved by the RSO. An example of temporary administrative controls is disconnecting the device from its power source, so that no radiation can be produced until the device can be repaired.

Subsection (c) requires that records of safety device tests, check dates, findings and corrective actions be retained for 5 years to ensure consistency in record retention time requirements throughout this Commonwealth's radiological health regulations.

Subsection (d) specifies that the records must include the date of the tests, a list of safety devices tested, survey instrument information, calibration date, the results of the test, the name of the person performing the test and corrective actions taken if the device fails the test.

Subsection (e) allows for a test to be deferred if the unit or installation is clearly marked and kept out of service. A unit or installation brought back into service after 12 months must be tested prior to use.

Subsection (f) states that if a safety device test cannot be performed due to manufacturer design, the registrant must document that and specify why the safety device cannot be tested.

§ 227a.21. *Instruction and training*

This section outlines training requirements for individuals who operate or maintain a radiation-producing device or enter a shielded room. An individual must

receive instruction in and demonstrate competence in types of radiation and hazards associated with the use of the device and precautions and measures to minimize radiation exposure; the significance of warnings and safety devices installed on the equipment or reasons that they are not installed; the potential hazards of use, biological effects of radiation, radiation risks and recognition of symptoms of an acute exposure; normal operating procedures, including training, for each type of device and associated equipment; emergency procedures for reporting actual or suspected accidental exposures; and radiation survey performance. Records of all required training and instruction shall be retained onsite and available for the Department to review for 5 years to ensure consistency in record retention time requirements throughout the Commonwealth's radiological health regulations.

In this final-form rulemaking, the sentence "Before an individual may operate or maintain a radiating-producing device or enter a shielded room, the individual shall receive instruction in and shall demonstrate competence as to the following:" is revised to "Before an individual may operate or maintain a radiation-producing device or enter a shielded room, the individual shall receive instruction in and shall demonstrate competence through a performance evaluation by the registrant, as to the following:" to clarify how competence is evaluated as suggested by IRRC. The review and inspection of registrants' and licensees' training records serves as the performance evaluation, which is a standard action conducted by the Department's Radiation Protection Program.

§ 227a.22. *Radiation protection responsibility*

Subsection (a) states that a registrant's designated senior management is responsible for the ultimate decision to use a radiation-producing device and for radiation safety. The registrant must document the designated senior management responsible for radiation safety and maintain those records for the Department to review for 5 years to ensure consistency in record retention time requirements throughout the Commonwealth's radiological health regulations.

Subsection (b) requires that the registrant's senior management to designate a RSO. That individual would be responsible for: ensuring devices are operated in accordance with an established radiation safety program and normal operating procedures; instructing personnel in safe working practices; the investigation and reporting of incidents; ensuring safety devices, interlocks, warning signals, labels, postings and signs are functioning and located where required; and for maintaining radiation safety records for 5 years.

In this final-form rulemaking, based on comments from IRRC, subsection (b)(5) is amended to clarify which records must be retained and reference the Federal regulation containing the annual review requirements.

Subchapter C. Closed-Beam Radiation-Producing Devices

Subchapter C (relating to closed-beam radiation-producing devices) is added to establish requirements applicable to closed-beam radiation-producing devices. Subchapter C includes §§ 227a.30—227a.35 as more fully described as follows.

§ 227a.30. *System enclosure*

This section requires that a radiation source, sample or object, detector and analyzing crystal of a closed-beam radiation-producing device must be enclosed in a chamber or coupled chambers that cannot be entered by any part

of the human body during normal operation to protect the user from unnecessary radiation exposure.

§ 227a.31. *Interlocks*

This section requires that the doors and panels of a closed-beam radiation-producing device must be interlocked and the interlock must be of a fail-safe design. These interlocks will not allow the doors or panels of a device to be opened while energized, thus preventing unnecessary exposure to radiation.

§ 227a.32. *Interlock functions*

This section requires a closed-beam radiation-producing device enclosure, sample chamber or similar enclosure to be interlocked with the X-ray tube high voltage supply or a shutter in the primary beam, or both, so that no X-ray beam can enter the sample or object chamber while it is open unless the interlock has been deliberately defeated. An interlock would be deliberately defeated if a bypass was performed as described in § 227a.18 (relating to operating requirements). It requires the interlock to be of a fail-safe design or have adequate administrative controls to ensure operations can only continue with a proper functioning interlock.

§ 227a.33. *Radiation emission limit*

This section requires that the radiation dose for closed-beam radiation-producing devices must not exceed 0.5 millirem (0.005 mSv) per hour at 5 centimeters outside any accessible surface. This dose limit was taken from SSR Part H and § 227.12a(b) which is deleted and replaced by this section.

§ 227a.34. *Security screening devices*

This section requires that closed-beam security screening devices must have a mechanism to ensure operator presence at the control area in a location that enables surveillance of the openings and doors of the control area during generation of radiation. During an exposure or preset succession of exposures of 0.5 second or greater duration, the closed-beam security screening device must have a mechanism to enable the operator to terminate exposure or a preset succession of exposures at any time. The device must also have a mechanism to allow completion of the radiation exposure in progress but must enable the operator to prevent additional exposure during an exposure or preset succession of exposures of less than 0.5 second duration. These requirements ensure that an operator is able to safely monitor and manage an active security screening device.

§ 227a.35. *Electron microscope devices*

Subsection (a) outlines the labeling requirements for closed-beam electron microscope devices. It must have a conspicuous sign bearing the words, "Caution Radiation—This Equipment Produces Radiation When Energized," or words containing a similar warning.

Subsection (b) requires that radiation levels 5 centimeters from an accessible surface of a closed-beam electron microscope device may not exceed 0.5 millirem (0.005 mSv) per hour.

In the proposed rulemaking, subsection (c) was added to specify that no individual may operate or conduct maintenance on closed-beam electron microscopes until the individual has a copy of, is instructed in and has demonstrated an understanding of the normal operating procedures to ensure radiation safety. However, based on comments from IRRC, subsection (c) is deleted from this final-form rulemaking as it is duplicative of § 227a.21.

Subchapter D. Open-Beam Radiation-Producing Devices

Subchapter D (relating to open-beam radiation-producing devices) is added to establish requirements applicable to open-beam radiation-producing devices. Subchapter D includes §§ 227a.40—227a.55 as more fully described as follows.

§ 227a.40. *Safety device*

Subsection (a) requires a registrant to document its justification of the registrant's use of an open-beam radiation-producing device rather than a closed-beam radiation-producing device. This requirement is due to the higher likelihood of radiation exposure associated with an open-beam system compared to a closed beam system.

Subsection (b) requires that if a registrant uses an open-beam radiation-producing device, the registrant must consider the use of a safety device to minimize the chance of entry of any portion of the operator's body into the path of the primary beam or which causes the primary beam to shut off upon entry into its path.

Subsection (c) requires that if a safety device cannot be used to minimize the chance of direct body exposure, the registrant must maintain a record of the various safety devices evaluated and reasons the devices cannot be used. The records must be maintained for as long as the method is used plus an additional 5 years to ensure consistency in record retention time requirements throughout the Commonwealth's radiological health regulations. Based on comments from IRRC, in this final-form rulemaking, the justification for using an open-beam radiation-producing device is added to the records required to be maintained in subsection (c).

Subsection (d) requires that if a registrant's use of an open-beam radiation-producing device prevents the use of a safety device, the registrant must use alternative methods, such as policies and procedures, to minimize the possibility of unnecessary exposure. The alternative methods must be documented, and the documentation maintained for as long as the methods are used, plus an additional 5 years to ensure consistency in record retention time requirements throughout the Commonwealth's radiological health regulations.

Subsection (e) requires that a portable open-beam radiation-producing device without a safety device described in § 227a.40(b) (relating to safety device) that is manufactured to be used as a handheld device will meet the safety device requirements described in subsections (b)—(d) by complying with § 227a.50 (relating to handheld radiation-producing devices) prior to use.

§ 227a.41. *X-ray on status*

This section requires that open-beam radiation-producing devices must provide a conspicuous and active indication of the following, as applicable; an X-ray tube "on-off" status indicator located near the radiation source; and a shutter "open-closed" status indicator located at the control panel and near each beam port on the radiation source housing. The X-ray tube "on-off" and shutter "open-closed" status indicators must be of a fail-safe design. These requirements ensure the safety of the operator and prevent unnecessary radiation exposure.

§ 227a.42. *Labeling*

This section requires each unit to be labeled at or near the X-ray exit beam port to identify the location of the beam with the words "CAUTION—X-RAY BEAM" or

“CAUTION—HIGH INTENSITY X-RAY BEAM” or words with similar intent. This ensures the safety of the operator and any other users.

§ 227a.43. *Beam ports*

This section requires that unused beam ports on radiation source housing be secured in the closed position to prevent them from being inadvertently used.

§ 227a.44. *Shutters*

This section requires that for open-beam radiation-producing device configurations that are designed to accommodate interchangeable components, each beam port on the radiation source housing must be equipped with a shutter that cannot be opened unless a collimator or a component coupling has been connected to the beam port. This has been incorporated from SSR Part H and prevents unnecessary radiation being emitted from a port that is not being used.

§ 227a.45. *Radiation emission limits*

This section requires that radiation emission limits (exclusive of the primary beam) must be met at any specified tube rating established by the manufacturer. Local components of an open-beam radiation-producing device must be located and arranged and include sufficient shielding or access control so that no radiation emissions exist in any area surrounding the local component group which could result in an occupational radiation dose in excess of that specified in 10 CFR Part 20 Subpart C (relating to occupational dose limits) or a dose to an individual present therein in excess of the radiation dose limits outlined in § 219.51 (relating to dose limits for individual members of the public).

Based on comments from IRRC, this section is amended in this final-form rulemaking so radiation emission limits must be met at the specified tube rating established by the manufacturer and not set by the registrant as required by the proposed rulemaking, who would not traditionally be expected to set emission limits. Additionally, a reference to “manufacture” is corrected to “manufacturer.”

§ 227a.46. *Primary beam attenuation*

This section requires that in cases where the primary beam is not intercepted by the detector devices under all conditions of operation, protective measures, such as auxiliary shielding or administrative procedures, must be provided to avoid exposure to any individual from the transmitted primary beam.

§ 227a.47. *Operator attendance*

This section requires the operator to be present at all times when the equipment is in operation except when the area is locked or the equipment is secured against unauthorized or accidental entry.

§ 227a.48. *Control of access*

This section requires that if a radiation-producing device is not in a restricted area as defined in 10 CFR 20.1003 (relating to definitions), an operator of a radiation-producing device shall control access to the device at all times during operation. Radiation areas must be conspicuously identified, and the source located within a conspicuous perimeter that identifies where the radiation levels could result in an exposure to an individual in excess of 0.005 rem (0.05 mSv) in 1 hour or 0.1 rem (1 mSv) in 1 hour if it is a high radiation area. In

radiation areas and high radiation areas, the perimeter must have a radiation caution sign and the operator must ensure no one enters the area during the operation of the device. In addition, an operator must perform a visual check of the controlled area to ensure that it is free of unauthorized personnel prior to activating or exposing the source.

Based on comments from IRRC, this section is amended in this final-form rulemaking to delete the sentence “If the radiation-producing device is not in a restricted area and the radiation-producing device is capable of creating a radiation area or a high radiation area as defined 10 CFR 20.1003, the operator shall control access to the radiation-producing device at all times during operation” because the first sentence is broad enough, as written, to cover this scenario.

§ 227a.49. *Instruction and training*

This section requires that an individual may not operate or maintain an open-beam radiation-producing device unless the individual has met the requirements of § 227a.21 and received training applicable to the procedures to be performed and the equipment used. Applicable training may include instruction and demonstrated competence as to sources and magnitude of common radiation exposure; units of radiation measurement; radiation protection concepts of time, distance, shielding and ALARA (as low as reasonably achievable); procedures and rights of a declared pregnancy; regulatory requirements and area postings; worker embryo/fetus and public dose limits; proper use of survey instruments and dosimetry; and policies and procedures required under § 227a.40.

§ 227a.50. *Handheld radiation-producing devices*

This section outlines additional requirements in Chapter 227a applicable to open-beam handheld radiation-producing devices. Paragraph (1) requires a registrant to have operating policies and procedures which ensure: that radiation protection is provided equivalent to that afforded under § 219.51 and § 227a.46 (relating to primary beam attenuation); that the operator will not hold the sample during operation of the device and the operator’s hands will not approach the primary beam; that the operator will not aim the primary beam at themselves or any individual during operation of the device; and that operator exposure is as low as reasonably achievable by use of means such as ancillary equipment.

With respect to training, paragraph (2) states that in addition to the training requirements under §§ 227a.21 and 227a.49 (relating to instruction and training), a registrant of handheld radiation-producing devices provide training specified in this section for all users of the devices. This is due to the ease of unnecessary radiation exposure with these devices. Records of all user and operator training would be required to be maintained for 5 years to ensure consistency with record retention time requirements throughout the Commonwealth’s radiological health regulations.

With respect to radiation emission limits, paragraph (3) explains that the radiation emission limits in §§ 227a.13(b) and 227a.14 (relating to radiation source housing; and generating cabinet or high voltage source radiation emission limits), excluding the primary beam, would be met if the radiation emission on any accessible surface of the device does not exceed 2.5 millirem (0.025 mSv) per hour at 5 centimeters.

§ 227a.51. *Bomb detection radiation-producing devices*

This section establishes additional requirements applicable to bomb detection radiation-producing devices. The additional requirements are that the device be locked to prevent unauthorized use when not in use; a use log be maintained for each device that includes a description of the unit, date removed from storage, date returned to storage, name and signature of person assigned the device and the dates and sites of use; and that security be provided to prevent entry by individuals when the device is energized during training.

Based on comments from IRRC and for consistency throughout the radiological health regulations, the 5-year record retention requirement is added to paragraph (2) in this final-form rulemaking. Paragraph (3) is also amended from the proposed rulemaking to replace the words “from any point when the device is energized during training” with the phrase “to the area in which the device is energized.” This requirement to provide security to prevent entry by individuals when the device is energized must be met at all times, not just during training and is implemented based on the registrant’s operating procedures. This is necessary to ensure no unnecessary exposures to radiation occurs and to protect the workers and anyone else nearby from exposure to radiation. The new language also clarifies which area must be controlled. It will be implemented by physical controls that the registrant uses, such as barriers, doors or warning signs, which can be verified upon inspection.

§ 227a.52. *Radiation-producing devices used in individual security screening*

This section establishes additional requirements for radiation-producing devices used in individual security screening. A person requesting Department approval for these devices would be required to submit information addressing the requirements described as follows and receive Department approval prior to use.

A requester must submit an efficacy evaluation which evaluates all known alternate methods that could achieve the goals of the individual security screening program and explain why these methods will not be used in preference to the applicant’s approach using ionizing radiation and an equipment evaluation by a qualified expert upon installation of the individual security screening device; after maintenance that affects the shielding, shutter mechanism or X-ray production components; upon any damage to the system; and every 12 months.

The applicant must show how the radiation dose limits described herein will be met. Dose limits for general use systems must be limited to 25 microrem (rem) when used without regard to the number of scans per individual per year; dose limits for limited-use systems must be less than or equal to 1 mrem (0.01 mSv) when equipment is capable of operation greater than 25 rem per screening; and dose limits for repeat individual security screenings at a single site may not receive an effective dose greater than 25 mrem (0.25 mSv) in a 12-month period.

Other requirements include: information regarding the effective radiation dose from one screening and example comparing the dose with known sources of radiation exposure be made available to screening subjects; training includes 8 hours of training for the RSO in radiation safety, 2 hours of training for the operator in radiation safety in addition to operation training provided by the

manufacturer and annual refresher training for operators and RSOs; individual security screening is prohibited on an individual under 18 years of age and individuals who have declared pregnancy without prior Department approval; a preventive maintenance schedule from the manufacturer be followed; the registrant is responsible to have a written radiation safety program based on accepted radiation protection principles developed and implemented, and that program be reviewed at least annually by the RSO; and that relevant records be maintained for 5 years.

Based on comments from IRRC received on the proposed rulemaking, paragraph (4) is amended in this final-form rulemaking to delete the words “and is used with discretion” and the following sentence is added: “The number of scans per individual must be tracked to ensure the dose does not exceed the limits referenced in paragraph (5) and § 227a.53(c) (relating to radiation-producing devices used in vehicle security screening).” This amendment is made to provide clarity for the regulated community and ensure exposures are tracked so dosage limits for individual and vehicle security screening devices are not exceeded. Additionally, a spelling error for “preventative” is corrected in paragraph (9).

§ 227a.53. *Radiation-producing devices used in vehicle security screening*

Subsection (a) requires that when procedures for the operation of a mobile or transportable device used for security screening of vehicles includes knowingly exposing human occupants, the system is subject to the same requirements as general-use or limited-use systems in § 227a.52(1)—(5), described in the first two paragraphs of the discussion of § 227a.52.

Subsection (b) requires that if the requirements of § 227a.52(1)—(5) cannot be met, then a means must be provided to assure that no occupants are present in the vehicle during screening.

Subsection (c) requires that the effective radiation dose for a single inadvertent exposure to an individual must not exceed 500 mrem (5 mSv) and that a pre-screening with a mode or system that can meet the limits in § 227a.52(3)—(5) (described in the second paragraph of the discussion of § 227a.52 previously) must be used to verify the vehicle is unoccupied if the 500 mrem (5 mSv) limit cannot be assured.

Based on comments from IRRC, subsection (a) is amended in this final-form rulemaking to delete “general-use and limited-use systems” because the cross-reference is for § 227a.52(1)—(5) and not just (3) and (4). Subsections (b) and (c) are amended in this final-form rulemaking to replace “assure” with “ensure.”

§ 227a.54. *Permanent radiographic installations*

Subsection (a) requires that each entrance for personnel access have visual warning signals for whenever the X-ray source is energized and have audible warning signals when an attempt is made to enter the installation when the source is energized to warn of the presence of radiation.

The entrance control device or alarm system is to be tested prior to beginning operations on each day of use to ensure proper functionality.

If the entrance control device or alarm system is not functioning properly, it must be removed from service and repaired or replaced immediately. If there is no replacement available, the facility may continue to be used as long as the registrants provide continuous surveillance in

accordance with 10 CFR 34.51 and 34.53 (relating to surveillance; and posting) and § 225.85 (relating to surveys and survey records) and uses an alarming ratemeter. These extra requirements are necessary to verify and document that the X-ray source is not energized while also ensuring the safety of the workers. Subsection (a)(3) is amended in this final-form rulemaking to replace the phrase “provided that” with “if” to clarify that use of the facility without the control device or alarm system is conditional, as well as to conform to the *Pennsylvania Code & Bulletin Style Manual* § 6.15(b)(4).

Subsection (b) requires records of the tests performed to be maintained for 5 years. This ensures consistency with record retention time requirements throughout the Commonwealth’s radiological health regulations.

§ 227a.55. *Shielded room radiation-producing devices*

Subsection (a) requires a room used for shielded room X-ray radiography to be shielded so every location on the exterior meets conditions for an unrestricted area and that access to the room may only be through openings that are interlocked.

Subsection (b) requires an operator to conduct a physical radiation survey to determine the source is deenergized prior to entry into the exposure area.

Subsection (c) states that an operator may use an independent radiation monitoring system that displays when radiation levels have returned to their pre-irradiation levels as an alternative to the survey required in subsection (b).

Chapter 228. Radiation Safety Requirements for Particle Accelerators

§ 228.2. *Definitions*

This section contains the definitions applicable to the provisions of Chapter 228. Except for an amendment of the definition of “accelerator or particle accelerator,” no changes are included for Chapter 228 in this final-form rulemaking. The definition of “accelerator or particle accelerator” is amended to match the United States Nuclear Regulatory Commission’s definition.

F. *Summary of Comments and Responses on the Proposed Rulemaking*

The Board received comments from one public commentator during the public comment period and received additional comments from IRRC.

The public commentator suggested the general-use and limited-use systems reference effective doses in § 227a.52 be consistent with ANSI standards. The Board acknowledges the units of measure are different than the ANSI standards; however, the units are amended for consistency with the Commonwealth’s radiological health regulations and the United States Nuclear Regulatory Commission’s regulations. Therefore, the Board did not modify the units used in this final-form rulemaking.

The public commentator also suggested the phrase “. . . in a 12-month period” in paragraph (3) of § 227a.52 of the preamble was an error. The Board reviewed the paragraph and agreed it was an error. The preamble for this final-form rulemaking is corrected.

The public commentator also suggested the 8-hour training requirement for the RSO for individual security devices in § 227a.52 is excessive and instead recommended a 4-hour RSO training plus the 2-hour operator

training. The Board considered this but did not amend the training requirements in this final-form rulemaking as the individuals receiving this training, such as corrections officers, will likely not have prior knowledge in, or experience with, radiation safety. These machines are being used in settings such as prisons and drug rehabilitation centers to search for contraband. In these settings, employees have not traditionally used radiation-producing devices. This training is important for them to understand and promote the safety of all individuals operating and being screened by the device.

IRRC suggested a variety of editorial changes incorporated by the Board in this final-form rulemaking, including deletion of unnecessary cross references, and unclear or unnecessary regulatory language. IRRC also recommended adding a 5-year retention period to multiple subsections to improve clarity and consistency, which the Board incorporated in this final-form rulemaking.

IRRC asked the Board to explain how a registrant would be evaluated for compliance with § 227a.15(d), which allows for a registrant to not perform surveys if it demonstrates compliance another way. The Board notes that compliance is evaluated by reviewing historical radiation survey results shielding calculations, personnel dosimetry reports, area monitoring and manufacturer literature. Therefore, no change is necessary in this final-form rulemaking.

IRRC questioned how competence would be evaluated for § 227a.21 and if the registrant needs to maintain a record of competence. The Board amends this final-form rulemaking to clarify that competence would be evaluated “through a performance evaluation by the registrant” which would be maintained onsite with the registrant’s other training and instruction records.

IRRC reviewed § 227a.22(b)(5) (relating to radiation protection responsibility) and wondered if all records required in Chapter 227a are safety records and what the radiation protection program annual audit requirements are. The Board considered this and amended this final-form rulemaking to change radiation safety records to all records. The Board notes the annual audit requirement is a Federal requirement incorporated by reference in the Department’s regulations. See 10 CFR 20.1101(c) (relating to radiation protection programs); incorporated by reference in § 219.5 (relating to incorporation by reference). The Federal code reference and language is added, as is the *Pennsylvania Code* reference.

IRRC asked how an individual would be evaluated for compliance in § 227a.35(c) (relating to electron microscope devices) and if there is a record of competence. The Board reviewed the subsection and found it is duplicative of § 227a.21 and deletes the subsection from this final-form rulemaking.

IRRC asked why a safety device is not required instead of just being considered in § 227a.40(b) and how this protects the health, safety and welfare of the operators. The Board noted that sometimes a safety device will prevent the device from taking accurate images and in these cases the device can still operate in a manner that protects the operators if it is operated according to policies and procedures designed to minimize the possibility of unnecessary exposure which is required in subsection (d).

IRRC requested the Board explain how paragraph (3) of § 227a.51 (relating to bomb detection radiation-producing devices), regarding the registrant preventing entry when the device is energized during training, in the preamble

of the proposed rulemaking will be implemented. The Board deletes “during training” from this final-form rulemaking, because preventing entry is required at all times when the device is energized. The registrant must provide security to prevent entry.

IRRC requested the Board explain in the Regulatory Analysis Form (RAF) if the cost of training is per individual and to update questions 19—21 and 23 in the RAF with estimates for costs for additional devices and operators. The Board notes the training cost is for the RSO. There is one RSO per registrant and that has been clarified in the RAF. The operators are trained by the RSO and, therefore, no amendments are necessary to the cost estimate in the RAF.

IRRC had several comments regarding definitions in § 227a.2. IRRC noted that the term “analytical X-ray equipment” is not used in the proposed rulemaking and should be deleted; “general-use systems” and “limited-use systems” should have less substantive provisions and those provisions should be moved to the appropriate section of the rulemaking, the units of measure should match the units in SSR Part H, and the cross-reference to § 227a.53(e) should be corrected in limited-use systems; and, the acronym “XRF” should be spelled out in the definition of “handheld radiation-producing device.” The Board has considered these comments and deletes the definition for “analytical X-ray equipment,” deletes provisions from general-use and limited-use systems and it was not necessary to add them to § 227a.52, and states X-ray fluorescence instead of XRF throughout this final-form rulemaking.

G. Benefits, Costs and Compliance

Benefits

This final-form rulemaking affects users of nonmedical radiation-producing devices within this Commonwealth. Users of these devices include prisons, government offices, schools and manufacturers. These users are required to comply with radiation protection standards that not only protect and benefit users and employees but also benefit the general public. This final-form rulemaking ensures that operators of radiation-producing devices are trained properly so that both the operator and the public are adequately protected from radiation exposure.

Compliance costs

No changes are made to the fee schedule set forth in Chapter 218 (relating to fees). This final-form rulemaking does require additional training for RSOs and operators of individual security screening devices as described in § 227a.52. Currently, there are no registrants of these devices that have not obtained this training. The additional training requirements are due to operators not having experience or training in radiation protection practices. There could be a cost at start-up for the initial training provided by the vendor installing the device. The cost of initial training is approximately \$950. There are no additional requirements for other devices covered by the amendments since they are already required under existing regulations.

Compliance assistance plan

The regional inspectors and technical staff of the Department’s Radiation Control Division will provide outreach and support. Assistance will be offered to address requirements for new technologies.

Paperwork requirements

This final-form rulemaking does not create any new paperwork requirements. However, it extends various existing records retention requirements to a 5-year records retention period. This extension was suggested by RPAC, and the Department agrees, to promote consistency in records retention requirements throughout the Commonwealth’s radiological health regulations. These records do not need to be in paper format and may be stored electronically.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) is not applicable to this final-form rulemaking.

I. Sunset Review

The Board is not establishing a sunset date for this final-form rulemaking because it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 14, 2021, the Department submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 4845 (August 14, 2021), and a copy of a RAF to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act, on May 17, 2023, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 18, 2023, and approved this final-form rulemaking.

K. Findings of the Board

The Board finds that:

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

(2) A public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 51 Pa.B. 4845.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this order.

L. Order of the Board

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

(a) The regulations of the Department, 25 Pa. Code Chapters 225, 227, 227a and 228 are amended by amending §§ 225.71, 225.72, 225.74, 225.76, 225.82, 225.84, 225.85, 225.86, 225.92, 225.93, 225.103 and 228.2, deleting §§ 225.81, 225.101, 225.102, 225.104, 227.1, 227.2, 227.11a, 227.12a, 227.13a, 227.14, 227.21—227.23, 227.31—227.33 and 227.101—227.104, and adding §§ 225.101a, 227a.1—227a.4, 227a.10—227a.22, 227a.30—227a.35 and 227a.40—227a.55 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this final-form rulemaking to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

RICHARD NEGRIN,
Chairperson

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

Fiscal Note: Fiscal Note 7-555 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE V. RADIOLOGICAL HEALTH CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

Subchapter B. RADIATION-PRODUCING DEVICES GENERAL ADMINISTRATIVE REQUIREMENTS

§ 225.71. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

DRD—*Direct reading dosimeter*—

(i) As used in this subchapter, means an "individual monitoring device" (see 10 CFR 20.1003 (relating to definitions)) that does not require additional processing to measure an individual's dose.

(ii) The term also includes the direct reading personnel (individual) monitoring devices known as pocket dosimeter, pocket ionization chamber and electronic personal dosimeter (EPD).

Field radiography—A location where radiographic operations are conducted (onsite or offsite) other than those designated as a permanent radiographic facility.

Industrial radiography—An examination of the structure of materials by nondestructive methods, utilizing ionizing radiation to make radiographic images.

NVLAP—National Voluntary Laboratory Accreditation Program.

Personal supervision—The provision of guidance and instruction to a radiographer's assistant given by a radiographer who is:

(i) Physically present at the site.

(ii) In visual contact with the radiographer's assistant while the assistant is using radiation sources.

(iii) In proximity so that immediate assistance can be given if required.

Personnel dosimeter—As used in this subchapter, means any of the "individual monitoring devices" (see 10 CFR 20.1003) that shall be processed and evaluated to generate a permanent record of an individual's dose, for example, a film badge, thermoluminescent dosimeter (TLD) or optically stimulated luminescent dosimeter (OSLD).

RSO—*radiation safety officer*—An individual who ensures that, in the daily operation of the registrant's or licensee's radiation safety program, activities are being performed in accordance with approved procedures and are in compliance with Department requirements.

Radiographer—An individual who performs radiographic operations or an individual in attendance at a site where radiation-producing devices are being used who personally supervises industrial radiographic operations.

Radiographer's assistant—An individual who, under the personal supervision of a radiographer, uses radiation-producing devices or radiation survey instrumentation.

Radiographic operations—The activities associated with a radiation-producing device during use of the device, to include surveys to confirm adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

Radiographic X-ray system—A system utilizing a radiation generating device for quality assurance, materials detection or nondestructive testing used in industrial settings.

Safety device—As applied to radiation-producing devices in this subchapter, a device or component that causes the unit to de-energize or interrupt the beam.

§ 225.72. Duties of personnel.

(a) The RSO shall assure that the radiation safety program of the registrant or licensee is implemented and suspend or terminate operations that are not being conducted in accordance with approved procedures or the Department's requirements.

(b) The radiographer is responsible to the registrant or licensee for following the procedures of the registrant or licensee and for complying with the Department's requirements while industrial radiographic operations are being conducted.

(c) The radiographer's assistant shall only use radiation-producing devices or radiation survey instrumentation under the personal supervision of a radiographer.

(d) [Reserved].

§ 225.74. Training and testing.

(a) The registrant may not permit an individual to act as a radiographer until that individual has:

(1) Been instructed in the subjects outlined in Appendix A.

(2) Received copies of this chapter, Chapters 219 and 220 (relating to standards for protection against radiation; and notices, instructions and reports to workers; inspections and investigations), and copies of the license or certificate of registration and the operating and emergency procedures of the registrant or licensee.

(3) Received at least 160 hours of instruction covering regulatory requirements, operating and emergency procedures and the use of radiation-producing devices and radiation survey instruments of the registrant or licensee.

(4) Demonstrated competency and understanding of the information in this subsection to the satisfaction of the registrant or licensee as evidenced by the successful completion of a written test and a field examination.

(b) The registrant or licensee may not permit an individual to act as a radiographer's assistant until that individual has:

(1) Received copies of, and instruction in, the applicable operating and emergency procedures and has been instructed in the use of sources of radiation and radiation survey instruments of the registrant or licensee.

(2) Demonstrated that, under direct personal supervision of a radiographer, the individual is competent to use sources of radiation and radiation survey instruments as evidenced by the successful completion of a written or oral test and a field examination on the subjects relevant to being an assistant radiographer.

(c) Records of the training required under subsections (a) and (b), including copies of written tests, dates of oral tests and field examinations, shall be maintained for inspection by the Department for 5 years following termination of employment by the individual or until the registration or license is terminated.

§ 225.76. Reporting requirements.

(a) In addition to the reporting requirements in §§ 219.221 and 219.222 (relating to reports of stolen, lost or missing licensed or registered sources of radiation; and notification of incidents and reportable events), each registrant or licensee shall provide to the Department, within 30 days of its occurrence, a written report on an incident involving the inability to terminate irradiation from a radiation-producing device.

- (1) [Reserved].
- (2) [Reserved].

(b) The registrant or licensee shall include the following information in each report submitted under subsection (a):

- (1) A description of the equipment problem.
- (2) The cause of the incident, if known or determined.
- (3) The manufacturer and model number of the equipment involved.
- (4) The place, date and time of the incident.
- (5) Actions taken to reestablish normal operations.
- (6) Corrective actions taken or planned to prevent reoccurrence.
- (7) The names and qualifications of personnel involved.

(c) Reports of overexposures, required under 10 CFR 20.2202 (relating to notification of incidents) or of excessive exposures, required under 10 CFR 20.2203 (relating to reports of exposures, radiation levels and concentrations of radioactive material exceeding the limits) which involve the failure of safety components of radiography

equipment shall also include, to the extent known, the information specified under subsection (b). Complete information required in subsection (b) shall be available in the 30-day follow-up report rule under 10 CFR 20.2203(a).

GENERAL TECHNICAL REQUIREMENTS

§ 225.81. [Reserved].

§ 225.82. Operating requirements.

(a) When field radiographic operations are performed, a minimum of two radiographic personnel shall be present to operate the X-ray device. At least one of the radiographic personnel shall be qualified as a radiographer. The other individual may be either a radiographer or a radiographer's assistant.

(b) Other than a radiographer, or a radiographer's assistant who is under the personal supervision of a radiographer, an individual may not manipulate the controls or operate the equipment used in industrial radiographic operations.

(c) At each job site, the following shall be supplied by the registrant or licensee:

- (1) The appropriate barrier ropes and warning signs.
- (2) At least one operable, calibrated radiation survey instrument.
- (3) For each worker requiring monitoring, an individual personnel dosimeter that is processed and evaluated by an NVLAP processor.

(4) An operable, calibrated direct reading dosimeter with a range of zero to 200 milliroentgen (51.6 µC/kg) for each worker requiring monitoring.

(d) An industrial radiographic operation may not be performed if any of the items in subsection (c) is not available at the job site or is inoperable.

§ 225.84. Operating and emergency procedures.

The operating and emergency procedures of the registrant or licensee shall include instruction in at least the following:

- (1) Handling and use of sources of radiation to be employed so that no individual is likely to be exposed to radiation in excess of the limits established in Chapter 219 (relating to standards for protection against radiation).
- (2) Methods and occasions for conducting radiation surveys and the proper use of survey meters.
- (3) Methods for controlling access to areas where radiographic operations are being conducted.
- (4) Methods and occasions for locking and securing sources of radiation.
- (5) Personnel monitoring and the use of individual monitoring devices, including steps that are to be taken immediately by radiographic personnel when a direct reading dosimeter is found to be off-scale.
- (6) Methods and procedures for minimizing exposure to individuals in the event of an accident.
- (7) The procedure for notifying proper personnel in the event of an accident.
- (8) Maintenance of records required by the Department.
- (9) The inspection and maintenance of radiation-producing devices and survey meters.

§ 225.85. Surveys and survey records.

(a) A survey with a calibrated radiation survey instrument shall be made after each radiographic exposure to determine that the emission of radiation has terminated.

(b) Records of the surveys required by subsection (a) shall be maintained (for inspection by the Department) for 5 years. If the survey has been used to determine an individual's exposure, the records of the survey shall be maintained until the Department terminates the registration or license.

§ 225.86. Utilization logs.

A registrant or licensee shall maintain current logs, which shall be kept available for inspection by the Department for 5 years from the date of the event, showing for each radiation-producing device, the following applicable information:

- (1) The identity (name and signature) of the operator to whom the radiation-producing device is assigned.
- (2) The model and serial number of the radiation-producing device.
- (3) The locations and dates of use.
- (4) The technique factors (tube kilovoltage, tube current, exposure time) used for each radiographic exposure.

RADIATION SURVEY INSTRUMENT AND PERSONNEL MONITORING REQUIREMENTS**§ 225.92. Radiation survey meter calibration requirements.**

(a) In addition to the requirements of § 225.91 (relating to survey meter requirements), instruments required by this chapter shall have a range so that 2 mR (0.516 $\mu\text{C}/\text{kg}$) per hour through 1 R (258 $\mu\text{C}/\text{kg}$) per hour can be measured.

(b) Each radiation instrument shall be calibrated:

- (1) At energies appropriate for use.
- (2) At intervals not to exceed 6 months.
- (3) After each instrument servicing, other than battery replacement.
- (4) To within an accuracy of $\pm 20\%$.

(5) At two points located approximately one-third and two-thirds of full scale on each scale of linear scale instruments; at mid-range of each decade and at two points of at least 1 decade for logarithmic scale instruments; and for digital instruments, at three points between 2 mR (0.516 $\mu\text{C}/\text{kg}$) and 1,000 mR (258 $\mu\text{C}/\text{kg}$) per hour.

(6) By a person authorized by the Department, the NRC or an agreement state.

(c) Calibration records shall be maintained for inspection by the Department for 5 years after the date of calibration.

§ 225.93. Personnel monitoring control.

(a) The registrant or licensee may not permit an individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each individual wears a direct reading dosimeter and a personnel dosimeter that is processed and evaluated by an NVLAP processor.

(1) Personnel monitoring devices used to determine compliance with dose limits for the whole body shall be worn on the trunk of the body over the area most likely to receive exposure.

(2) This does not relieve the registrant or licensee from providing peripheral monitoring devices such as ring finger TLDs when appropriate.

(3) Each personnel monitoring device shall be assigned to and worn by only one individual.

(b) Film badges shall be replaced at intervals not to exceed 1 month. Other personnel dosimeters processed and evaluated by an accredited NVLAP processor shall be replaced at intervals not to exceed 3 months.

(c) Direct reading dosimeters shall meet the criteria as in ANSI N13.5-1972, "Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gamma-Radiation" published in 1972, exclusive of subsequent amendments or additions.

(d) The use of DRDs is subject to the following requirements:

(1) DRDs shall have a range of zero to 200 mR (51.6 $\mu\text{C}/\text{kg}$) and shall be rezeroed at the start of each work shift.

(2) As a minimum, at the beginning and the end of each worker's shift involving the use of a source of radiation, DRDs shall be read and the exposure values recorded.

(3) Direct reading dosimeters shall be checked for correct response to radiation at periods not to exceed 1 year. A dosimeter may not be used for personnel monitoring unless the response is accurate within $\pm 20\%$ of the true radiation exposure. Records of dosimeter response checks shall be maintained for inspection by the Department for 5 years.

(4) If an individual's DRD indicates exposure that is "off-scale" beyond the range it can measure, industrial radiographic operations by that individual shall cease immediately and the individual's personnel dosimeter shall be sent immediately for processing. The individual may not use any sources of radiation until the individual's radiation dose has been determined.

(e) Data on personnel exposure reported or recorded from personnel monitoring devices shall be kept for inspection by the Department until the certificate of registration or license is terminated or until the Department authorizes their disposition, in writing, following a determination by the Department that the records contain inaccurate personnel monitoring information.

RADIATION-PRODUCING DEVICE REQUIREMENTS**§ 225.101. [Reserved].****§ 225.101a. Radiographic X-ray systems.**

Radiographic X-ray systems shall conform to the following:

(1) The leakage radiation from the source assembly measured at a distance of 1 meter in any direction from the source may not exceed 100 mR (25.8 $\mu\text{C}/\text{kg}$) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(2) The X-ray system shall be equipped with collimators which are capable of restricting the useful beam to the area of interest. Collimators shall provide the same degree of protection required in paragraph (1).

(3) A means shall be provided to terminate the exposure after a preset time, a preset to image receptor or a preset product of exposure time and tube current.

(4) The X-ray control shall have a dead-man type exposure switch.

(5) The X-ray controls shall indicate the technique factors, such as kilovoltage, tube current and exposure time or the product of tube current and exposure time.

(6) The X-ray system shall be labeled with a readily discernible sign bearing the radiation symbol and the words "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words having a similar intent, near any switch that energizes the X-ray tube.

(7) For X-ray systems, an easily visible warning light shall be located adjacent to the X-ray tube and labeled with the words "X-RAY ON" or words having a similar intent. The warning light shall be illuminated only when the X-ray tube is energized or only when the shutter is open.

(8) The registrant shall perform radiation surveys to demonstrate compliance with 10 CFR 20.1301 (relating to dose limits for individual members of the public) and maintain records of these surveys for inspection by the Department for 5 years:

- (i) upon acceptance of the equipment;
- (ii) following maintenance requiring the disassembly or removal of any shielding component; and
- (iii) when a visual inspection reveals an abnormal condition.

(9) The registrant shall test on-off switches, interlocks and safety devices at intervals not exceeding 1 year and make repairs as necessary to maintain all safety features including warning labels. Records of these tests shall be maintained for inspection by the Department for 5 years.

§ 225.102. [Reserved].

§ 225.103. **Field radiography.**

(a) The operator shall conduct a physical radiation survey to determine that the radiation source is de-energized prior to each entry into the radiographic exposure area. Survey results and records of the boundary location shall be maintained and kept available for inspection by the Department for 5 years.

(a.1) Surveillance of the exposure area shall be maintained during operation, either by visual or by other reliable means, to ensure that no person enters the area.

(a.2) With the exception of hand-held X-ray systems, when approaching the radiation source, following the conclusion of an exposure, the operator shall use a suitable calibrated and operable radiation detection instrument to verify that the radiation source is in its fully shielded condition or that the X-ray tube has been de-energized.

(a.3) A personal alarming dose rate meter shall also be worn to approach the work area if the device is appropriately designed and calibrated for the type of X-ray emitted, either pulse or continuous, set at an appropriate level to detect the presence of the source, for example 2 mrem (0.02 mSv) per hour and has been source-checked prior to use. The radiation in the work area must be reasonably uniform so that the device responds to radiation exposure to any part of the body. It may not be used to measure radiation levels, nor may it be used to indicate the presence of the source for potential non-uniform exposure, such as may occur during device maintenance or work in a radiation-producing device target area.

(a.4) Measurement of radiation levels for a radiation survey shall be performed using an appropriately calibrated radiation survey meter. A radiation survey meter shall also be used when there is potential for non-uniform exposure to personnel, such as may occur during device maintenance or work in a radiation-producing device target area.

(a.5) During the initial exposure, the radiation levels shall be measured around the perimeter of the controlled area. The perimeter shall be adjusted accordingly to meet the access control requirement for radiation areas or high radiation areas.

(a.6) The survey around the perimeter shall be made for each new operating condition and the perimeter adjusted accordingly.

(b) Mobile or portable radiation-producing devices shall be physically secured to prevent tampering or removal by unauthorized personnel.

§ 225.104. [Reserved].

CHAPTER 227. [Reserved]

§ 227.1. [Reserved].

§ 227.2. [Reserved].

§ 227.11a. [Reserved].

§ 227.12a. [Reserved].

§ 227.13a. [Reserved].

§ 227.14. [Reserved].

§§ 227.21—227.23. [Reserved].

§§ 227.31—227.33. [Reserved].

§§ 227.101—227.104. [Reserved].

CHAPTER 227a. RADIATION SAFETY REQUIREMENTS FOR NON-HEALING ARTS RADIATION-PRODUCING DEVICES

Subchap.

A. GENERAL PROVISIONS

B. GENERAL TECHNICAL REQUIREMENTS

C. CLOSED-BEAM RADIATION-PRODUCING DEVICES

D. OPEN-BEAM RADIATION-PRODUCING DEVICES

Subchapter A. GENERAL PROVISIONS

Sec.

227a.1. Purpose and scope.

227a.2. Definitions.

227a.3. Exemptions.

227a.4. Application for exemptions.

§ 227a.1. Purpose and scope.

(a) This chapter establishes special requirements for non-healing arts radiation-producing devices operating between 5 kiloelectron volts (keV) and 1 million electron volts (MeV). This chapter shall apply to all devices defined in § 227a.2 (relating to definitions). Machines operating at energies greater than 1 MeV are subject to Chapter 228 (relating to radiation safety requirements for particle accelerators).

(b) In addition to this chapter, all registrants are subject to Chapters 215, 216, 219 and 220. This chapter does not pertain to radiation safety requirements for X-ray equipment covered under Chapters 221 and 225 (relating to X-rays in the healing arts; and radiation safety requirements for industrial radiographic operations) and Chapter 228.

(c) Radiography that meets the definition of "cabinet radiography," including cabinet X-ray systems, is regulated under this chapter.

(d) Radiography that occurs in a “shielded room” is regulated under this chapter.

(e) Radiography equipment that meets the definition of “bomb detection radiation-producing devices” is regulated under this chapter.

(f) Industrial radiography that is open-beam, and not in a shielded room and not otherwise listed here, is regulated under Chapter 225.

§ 227a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

ALARA—As low as reasonably achievable.

Accessible surface—The external or outside surface of the enclosure or housing provided by the manufacturer. The term includes the high-voltage generator, doors, access panels, latches, control knobs and other permanently mounted hardware, including the plane across the exterior edge of any opening.

Beam port—An opening on the X-ray apparatus designed to emit a primary beam. This term does not include an opening on a security screening device.

Bomb detection radiation-producing device—X-ray-generating equipment used solely for the purpose of remotely detecting explosive devices. For the purposes of this chapter, this term does not include hand-held X-ray bomb detection devices.

Cabinet radiography—Industrial radiography using radiation-producing devices not subject to United States Food and Drug Administration performance standards for cabinet X-ray systems, in an enclosed, interlocked cabinet in which the portion of a material being irradiated is contained, and in which all of the following are met:

(i) The radiation-producing device will not operate unless all openings are closed with interlocks activated.

(ii) The cabinet is shielded so that every location on the exterior meets the conditions for an unrestricted area as defined under 10 CFR 20.1003 (relating to definitions).

(iii) The cabinet is constructed or arranged as to exclude the entrance of any part of the body of an individual during irradiation.

Cabinet X-ray system—An X-ray system with the X-ray tube installed in an enclosure which, independently of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of radiation. The term does not include an X-ray tube used within a shielded part of a building, or X-ray equipment which may temporarily or occasionally incorporate portable shielding.

Cathode ray tube—A device used to accelerate electrons for demonstration or research purposes, except where the tube is incorporated into a television or display monitor that is subject to, and has met applicable Federal radiation safety performance standards under 21 CFR Part 1010 (relating to performance standards for electronic products: general) and 21 CFR 1020.10 (relating to television receivers).

Certified cabinet X-ray system—A radiation-producing device certified by the manufacturer under 21 CFR 1010.2 (relating to certification) as being manufactured and assembled under the provisions of applicable Federal

radiation safety performance standards under 21 CFR Part 1010 and 21 CFR 1020.40 (relating to cabinet X-ray systems).

Closed-beam radiation-producing device—A device in which the beam path cannot be entered by any part of the body during normal operation.

Cold-cathode gas discharge tube—An electronic device in which electron flow is produced and sustained by ionization of contained gas atoms and ion bombardment of the cathode.

Collimator—A device for restricting the useful radiation in one or more directions.

Control panel—A device containing means for regulation and activation of a radiation-producing device or for the preselection and indications of operating factors.

Electron microscope—Equipment using the wave characteristics of electrons that have been accelerated by an electric field to visualize the microscopic structure of material.

Emergency procedure—The written planned steps to be taken in the event of actual or suspected exposure of an individual in excess of an administrative or regulatory limit, including the names and telephone numbers of individuals to be contacted as well as directives for processing the film badge or other personnel monitoring devices.

Fail-safe design—A design in which all realistically anticipated failures of indicators or safety components result in a condition in which individuals are safe from exposure to radiation. For example, the production of X-rays must be prevented if a light indicating “X-RAY ON” fails and the shutter must close if a shutter status indicator fails.

General-use system—An individual screening system that delivers an effective dose equal to or less than 25 μrem (0.25 μSv) per screening.

Handheld radiation-producing device—A portable device designed to operate when held in the hand, such as a hand-held X-ray fluorescence analytical device.

Industrial radiography—An examination of the structure of materials by nondestructive methods, utilizing ionizing radiation to make radiographic images.

Interlock—A device or engineered system that precludes access to an area of radiation hazard either by preventing entry or by automatically removing the hazard.

kV—Kilovolt.

Leakage radiation—Radiation coming from within the source housing, other than the useful beam.

Limited-use system—An individual screening system that is capable of delivering an effective dose greater than 25 μrem (0.25 μSv) per screening but that cannot exceed an effective dose of 1 mrem (10 μSv) per screening.

Local components—Parts of a radiation-producing device X-ray system, including areas struck by X-rays, such as radiation source housings, beam port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors and shielding. The term does not include power supplies, transformers, amplifiers, readout devices or control panels.

Lockout/tagout—A safety procedure that ensures dangerous devices and energy sources are properly shut off and cannot startup unexpectedly while maintenance or service work is being completed.

μrem—Microrem.

μSv—Micro Sievert.

mrem—Millirem.

mSv—Milli Sievert.

Mobile device—Radiation-producing device mounted on a permanent base with wheels or casters, or both, for moving while completely assembled.

Normal operating procedures—Step-by-step instructions necessary to accomplish the task. Examples include sample insertion and manipulation, equipment alignment, routine maintenance by the registrant and data recording procedures, which are related to radiation safety.

Open-beam radiation-producing device—A device in which any part of the body could enter the beam path during normal operations. Examples include X-ray gauges, tabletop and handheld X-ray devices and electron beam welders.

Permanent radiographic installation—A shielded installation or structure designed or intended for radiography in which radiography is regularly performed.

Portable device—Radiation-producing device designed to be hand-carried.

Primary beam—The ionizing radiation coming directly from the radiation source through a beam port into the volume defined by the collimation system.

Qualified expert—The term has the meaning given to it under § 215.2 (relating to definitions).

RSO—radiation safety officer—The term has the meaning given to it under § 215.2.

Radiation-producing device—A radiation-producing device where the apparatus, device, electronic product, system, subsystem or component of any of them may generate X-rays or particle radiation between 5 keV and 1 MeV. The device is not intended for healing arts use for humans or animals. The device is fixed or portable, such as mobile devices, portable devices, stationary equipment or transportable equipment.

Radiation-producing device used in individual security screening—X-ray equipment used on humans for security evaluation.

Radiation source (or X-ray tube) housing—That portion of an X-ray system that contains the X-ray tube or secondary target, or that contains both. Often the housing contains radiation shielding material or inherently provides shielding.

Radiograph—A permanent film or digital image produced on a sensitive surface by a form of radiation other than direct visible light.

Radiography—The process of creating a radiographic image through X-ray radiation.

Registrant—The term has the meaning given to it under § 215.2.

Safety device—A device, interlock or system that prevents the entry of any portion of an individual's body into the primary X-ray beam or that causes the beam to shut off upon entry into its path.

Scattered radiation—Radiation that has been deviated in direction or energy, or both, by passing through matter.

Security screening device—A non-human use open-beam system or cabinet X-ray system with accessible openings

designed for the detection of weapons, bombs or contraband concealed in baggage, mail, a package or another commodity or structure.

Shielded room—A room housing a non-healing arts radiation-producing device where, with the radiation-producing device at maximum techniques, the exterior room environs meet the unrestricted area limits of 2 mrem (0.02 mSv) in any 1 hour and 100 mrem (1 mSv) in a year at 30 centimeters from the barrier. The term does not include a room housing a radiation-producing device that meets the definition of cabinet X-ray systems.

Shutter—A moveable device used to block the useful (or primary) beam emitted from an X-ray tube assembly.

Source—The point of origin of the radiation. An example of this term is the focal spot of an X-ray tube.

Stationary equipment—Radiation-producing device equipment that is installed or placed in a permanent or fixed location.

Transportable equipment—Radiation-producing device equipment to be installed in a vehicle or that may be readily disassembled for transport or use in a vehicle.

Warning device—A visible or audible signal that warns individuals of a potential radiation hazard.

X-ray gauge—An X-ray-producing device designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level or interface location.

X-ray generator—That portion of an X-ray system which provides the accelerating high voltage and current for the X-ray tube.

X-ray tube—The term has the meaning given to it under § 221.2 (relating to definitions).

§ 227a.3. Exemptions.

(a) A radiation-producing device meeting the definition of "bomb detection radiation-producing device" is exempt from § 227a.16 (relating to posting).

(b) Unless used in a dedicated location, a handheld radiation-producing device is exempt from § 227a.16.

(c) The following devices and equipment are exempt from this chapter:

(1) Domestic television receivers, if the exposure rate at 5 centimeters from any outer surface is less than 0.5 mrem (0.005 mSv) per hour.

(2) Cold-cathode gas discharge tubes, if the exposure rates do not exceed 10 mrem (0.1 mSv) per hour at 30 centimeters from any point on the external surface of the tube.

(3) Other electrical equipment, except electron microscopes, that produces radiation incidental to its operation for other purposes, if the dose rate to the whole body at the point of nearest approach to the equipment when any external shielding not integral to the equipment is removed does not exceed 25 mrem (0.25 mSv) per year. The product testing of any radiation-producing device or factory servicing of the equipment is not exempt.

(d) Equipment described in this section is not exempt from this chapter if it is used or handled in a manner an individual might receive a dose of radiation in excess of the limits specified in Chapter 219 (relating to standards for protection against radiation).

(e) Equipment operating at less than or equal to 50 kV tube voltage and designed to be held by an operator

during use is exempt from this chapter except for §§ 227a.12 and 227a.21 (relating to labeling; and instruction and training).

§ 227a.4. Application for exemptions.

The Department may consider an application for exemptions to the requirements of this chapter. A radiation-producing device registrant who cannot meet one or more requirements of this chapter shall submit to the Department a written request for an exemption to the requirements that cannot be met. The exemption request must explain why the provision cannot be met and must demonstrate all of the following to the Department's satisfaction:

(1) That the use of the radiation-producing device will not result in undue hazard to public health and safety or to property.

(2) That compliance with the provision from which the registrant is seeking exemption would require replacement or substantial modification of the radiation-producing device.

(3) That the registrant will achieve, through other means, radiation protection equivalent to that required by the provision from which the registrant is seeking exemption.

Subchapter B. GENERAL TECHNICAL REQUIREMENTS

Sec.	
227a.10.	Radiation safety program.
227a.11.	Warning devices.
227a.12.	Labeling.
227a.13.	Radiation source housing.
227a.14.	Generating cabinet or high voltage source radiation emission limits.
227a.15.	Surveys.
227a.16.	Posting.
227a.17.	Security.
227a.18.	Operating requirements.
227a.19.	Repair or modification of X-ray tube or radiation-producing device.
227a.20.	Testing of safety devices.
227a.21.	Instruction and training.
227a.22.	Radiation protection responsibility.

§ 227a.10. Radiation safety program.

A registrant who intends to use radiation-producing devices shall have a program for training personnel, written normal operating procedures and emergency procedures, individual monitoring reports required under 10 CFR 20.2206(a)(2) (relating to reports of individual monitoring), an internal review system and an organizational structure for radiation protection which includes specified delegations of authority and responsibility for operation of the program.

§ 227a.11. Warning devices.

(a) *Label.* Warning devices must be labeled so that their purpose is easily identified.

(b) *Warning device light.* An easily visible warning device light labeled with the words "X-RAY ON," or words having a similar intent, must be located near every switch that energizes an X-ray tube and must be illuminated only when the tube is energized. This warning light must be of a fail-safe design.

§ 227a.12. Labeling.

(a) *General rule.* A radiation-producing device must be labeled with a readily visible and discernible sign or signs bearing the radiation symbol and the words: "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIA-

TION WHEN ENERGIZED," or words having a similar intent, near every switch that energizes an X-ray tube.

(b) *Devices with designed openings.* For radiation-producing devices with designed openings for object entries, such as baggage units, the following must be posted at or near every opening: "CAUTION—X-RAY HAZARD: DO NOT INSERT ANY PART OF THE BODY WHEN SYSTEM IS ENERGIZED" or words having similar intent.

§ 227a.13. Radiation source housing.

(a) *Interlock.* When the X-ray tube housing is the primary shielding for the X-ray tube and is intended to be opened for normal use or maintenance, the housing must be equipped with an interlock that shuts off the high voltage to the X-ray tube if the housing is opened.

(b) *Radiation emission limit.* Except as specified elsewhere in this chapter, each X-ray tube housing must be constructed so that, with all shutters closed, the leakage radiation measured at 5 centimeters from the X-ray tube housing surface does not exceed 2.5 mrem (0.025 mSv) per hour. This limit must be met at the maximum tube rating.

§ 227a.14. Generating cabinet or high voltage source radiation emission limits.

Each X-ray generator or high-voltage source must be supplied with a protective cabinet which limits leakage radiation to 0.5 mrem (5.0 µSv) per hour at 5 centimeters measured at the nearest accessible surface. For closed-beam radiation-producing devices, this requirement may be met by complying with § 227a.33 (relating to radiation emission limit). For a radiation-producing device in a shielded room with the high-voltage generator also inside the shielded room, this limit may be met by measuring from any accessible surface outside the room housing the radiation-producing device. For hand-held, open-beam radiation-producing devices, this requirement may be met by complying with the limits under § 227a.50(3) (relating to handheld radiation-producing devices).

§ 227a.15. Surveys.

(a) *General rule.* Radiation surveys of all radiation-producing devices must be sufficient to show compliance under § 219.51 (relating to radiation dose limits for individual members of the public) and to show compliance with radiation emission requirements of this chapter. The radiation surveys must be sufficient to evaluate the magnitude and extent of radiation emissions and the potential radiological hazards that could be present. Records of these surveys must be maintained for 5 years for inspection by the Department. At a minimum, surveys shall be performed in the following instances:

(1) Upon installation of the equipment and at least once every 12 months thereafter.

(2) Following a change in the initial arrangement, number or type of local components in the system, and prior to returning to service.

(3) Following maintenance requiring the disassembly, removal or repair of a local component in the system, and prior to returning to service.

(4) During the performance of maintenance, calibration and another procedure if the procedure requires the presence of a primary beam while any local component in the system is disassembled or removed.

(5) Following bypass of a safety device or interlock as required by § 227a.18(b) (relating to operating requirements).

(6) When a visual inspection of the local components in the system reveals an abnormal condition.

(7) If a personnel monitoring device shows a radiation exposure that is greater than 25% of the annual occupational dose limit as specified in 10 CFR 20.1201 (relating to occupational dose limits for adults).

(b) *Instrument requirements.* The registrant shall have access to sufficiently calibrated, appropriate and operable radiation survey instruments to make physical radiation surveys as required by this chapter. The instruments must be capable of detecting and measuring the types and levels of radiation involved, including primary, scattered and leakage radiation.

(c) *Maintenance and calibration.* The registrant shall ensure the maintenance and calibration of all monitoring and survey instruments under 10 CFR 20.1501 (relating to general).

(d) *Exception.* Radiation surveys are not required if a registrant otherwise demonstrates compliance under this chapter to the satisfaction of the Department.

§ 227a.16. Posting.

Each area or room containing a radiation-producing device where an individual may receive 2 mrem (0.02 mSv) in any 1 hour or 100 mrem (1 mSv) per year shall be conspicuously posted with a sign or signs bearing the radiation symbol and “CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED,” or words having a similar intent.

§ 227a.17. Security.

A radiation-producing device must be secured to be accessible only to authorized personnel at all times.

§ 227a.18. Operating requirements.

(a) *Procedures.* Normal operating procedures shall be written and available to all radiation-producing device workers. An individual may not operate a radiation-producing device in a manner other than that specified in the normal operating procedures unless the individual has obtained written approval of the RSO.

(b) *Bypassing.*

(1) An individual may not bypass a safety device or interlock, and may not remove shielding, unless the individual has obtained approval of the RSO. The approval shall be limited to a specified period of time.

(2) When a safety device or interlock has been bypassed, a conspicuous sign bearing the words “SAFETY DEVICE NOT WORKING,” or words having a similar intent, shall be placed on the radiation source housing and at the control switch.

(3) A record of a bypass of a safety device or interlock shall be maintained for 5 years. The record must contain all of the following information:

- (i) The date the bypass was made.
- (ii) A detailed description of the bypass.
- (iii) The length of time the unit remained in the altered condition.
- (iv) The post bypass survey as noted in § 227a.15 (relating to surveys).
- (v) Other relevant information for the bypass.

(4) A record of a bypass shall be signed by the RSO, the individual who performed the bypass and the individual who restored the unit to its original condition.

(c) *Control panel.*

(1) The radiation-producing device may only be activated from a control panel.

(2) Indicators and controls that control the primary beam must be identifiable and discernible through the use of labels, symbols, software displays or equivalent methods.

(d) *Interlocks.*

(1) An interlock may not be used to de-activate the X-ray tube of a radiation-producing device, except in an emergency or during testing of the interlock system.

(2) After an interlock is triggered, resetting the radiation-producing device to full operation must only be possible from a control panel.

(3) Interlocks must be of a fail-safe design.

(e) *Multiple sources.* If more than one X-ray tube assembly or focal spot can be operated sequentially or simultaneously from a control panel, visual indicators must identify which tube assembly or focal spot has been selected. The selectors must be identified as to their function. If a letter or number is used, a reference card or table explaining the code must be affixed to the control panel.

§ 227a.19. Repair or modification of X-ray tube or radiation-producing device.

Only trained personnel or a registered service provider may install, repair or make modifications to a radiation-producing device. An operation involving removal of covers, shielding materials or tube housings, or an operation involving modifications to shutters, collimators or beam stops, may only be performed after ascertaining that the tube is off and will remain off until safe conditions have been restored. The main power switch with a lock-out/tag-out, rather than interlocks, shall be used for routine shutdown in preparation for repairs. The registrant shall ensure that only qualified personnel install, repair and make modifications to a radiation-producing device.

§ 227a.20. Testing of safety devices.

(a) *Testing interval.* Testing of safety devices, such as interlocks, shutters, warning lights and required emergency shut-off switches, shall be conducted on all operable radiation-producing devices at intervals not to exceed 12 months.

(b) *Device failure.* If a safety device fails during testing, the radiation-producing device shall be removed from service until the safety device is corrected or proper temporary administrative controls are established. The RSO shall approve in writing the temporary administrative controls.

(c) *Availability of records.* Records of safety device tests, check dates, findings and corrective actions shall be available for inspection and maintained for 5 years.

(d) *Record requirements.* Records required under this section must include the date of the test, a list of the safety devices tested, survey instrument information, the

calibration date, the results of the test, the name of the person performing the test and, for safety devices that fail the required test, corrective actions taken.

(e) *Out of service requirements.* Testing of safety devices may be deferred if the unit or installation, or both, are clearly marked and kept out of service. A unit or installation, or both, brought back into service after the 12-month interval specified in subsection (a) shall be tested prior to use.

(f) *Testing constraints.* If testing of a safety device cannot be performed due to manufacturer design, the registrant shall document that the safety device cannot be tested and specify why the safety device cannot be tested.

§ 227a.21. Instruction and training.

The registrant shall document the scope of training required for the radiation-producing device the registrant possesses under this section. An individual may not operate or maintain a radiation-producing device or enter a shielded room without appropriate instruction and training. Records of all required training and instruction shall be maintained onsite and made available for review by the Department for 5 years. Before an individual may operate or maintain a radiation-producing device or enter a shielded room, the individual shall receive instruction in and shall demonstrate competence through a performance evaluation by the registrant, as to the following:

(1) Types of radiation, identification of radiation hazards associated with the use of the radiation-producing device and associated equipment, and precautions or measures to take to minimize radiation exposure.

(2) Significance of the various radiation warnings, safety devices and interlocks incorporated into the equipment, or the reasons that warnings, safety devices or interlocks have not been installed on equipment and the extra precautions required in these cases.

(3) Commensurate with potential hazards of use, biological effects of radiation, radiation risks and recognition of symptoms of an acute localized exposure.

(4) Normal operating procedures for each type of radiation-producing device and associated equipment, as well as procedures to prevent unauthorized use. Training in normal operating procedures must include hands-on training.

(5) Emergency procedures for reporting actual or suspected accidental exposure and other radiation safety concerns, such as an unusual occurrence or malfunction that may involve exposure to radiation.

(6) Radiation survey performance, where applicable.

§ 227a.22. Radiation protection responsibility.

(a) *Responsibility.* The registrant's designated senior management shall make the decision to use a radiation-producing device. The registrant shall document the designated senior management responsible for radiation safety and those records shall be available for inspection by the Department and maintained for 5 years.

(b) *RSO designation.* The registrant's senior management shall designate an RSO. This individual shall have direct access to senior management for radiation safety issues. This individual shall have training and experience commensurate with the scope of the radiation safety program to carry out the following responsibilities:

(1) Ensuring that all radiation-producing devices are operated within the limitations of the established radiation safety program and normal operating procedures.

(2) Instructing personnel on safe working practices and ensuring that all personnel are trained in radiation safety commensurate with the hazards of the job.

(3) Investigating all incidents of abnormal operation and of abnormal exposure or suspected overexposure of an individual to determine the cause of the incident, to take remedial action and to report the incident to the proper authority.

(4) Ensuring that safety devices, interlocks, warning signals, labels, postings and signs are functioning and located where required.

(5) Retaining all records required to show compliance with this section, including annual reviews of the radiation protection program content and implementation and the documentation of its findings, as required in § 219.5 (relating to incorporation by reference), and incorporating by reference 10 CFR 20.1101(c) (relating to radiation protection programs), and making the records available for review by the Department for 5 years.

Subchapter C. CLOSED-BEAM RADIATION-PRODUCING DEVICES

Sec.	
227a.30.	System enclosure.
227a.31.	Interlocks.
227a.32.	Interlock functions.
227a.33.	Radiation emission limit.
227a.34.	Security screening devices.
227a.35.	Electron microscope devices.

§ 227a.30. System enclosure.

The radiation source, sample or object, detector and analyzing crystal, if used, of a closed-beam radiation-producing device must be enclosed in a chamber or coupled chambers that cannot be entered by any part of the body during normal operation.

§ 227a.31. Interlocks.

Doors and panels accessing the closed-beam radiation-producing device must be interlocked. The interlocks required by this section must be of a fail-safe design.

§ 227a.32. Interlock functions.

The closed-beam radiation-producing device enclosure, sample chamber, or other similar closure must be interlocked with the X-ray tube high voltage supply or a shutter in the primary beam, or both, so that no X-ray beam can enter the sample or object chamber while the chamber is open unless the interlock has been conspicuously and deliberately defeated. The interlock required by this section must be of fail-safe design or have adequate administrative controls to ensure that operations will only continue with a proper functioning interlock.

§ 227a.33. Radiation emission limit.

The radiation emission for a closed-beam radiation-producing device may not exceed a dose rate of 0.5 mrem (0.005 mSv) in 1 hour at 5 centimeters outside any accessible surface.

§ 227a.34. Security screening devices.

Closed-beam security screening devices must have a mechanism to ensure operator presence at the control area in a location that enables surveillance of the open-

ings and doors of the control area during generation of radiation. The following apply:

(1) During an exposure or preset succession of exposures of 0.5 second or greater duration, the closed-beam radiation-producing device must have a mechanism to enable the operator to terminate the exposure or preset succession of exposures at any time.

(2) During an exposure or preset succession of exposures of less than 0.5 second duration, the closed-beam radiation-producing device must have a mechanism to allow completion of the exposure in progress but must enable the operator to prevent additional exposures.

§ 227a.35. Electron microscope devices.

(a) *Labeling.* A closed-beam electron microscope device must be labeled with a conspicuous sign bearing the words, "Caution Radiation—This Equipment Produces Radiation When Energized," or words containing a similar warning.

(b) *Maximum radiation level.* Radiation levels measured 5 centimeters from an accessible surface of a closed-beam electron microscope may not exceed 0.5 mrem (0.005 mSv) per hour.

Subchapter D. OPEN-BEAM RADIATION-PRODUCING DEVICES

Sec.	
227a.40.	Safety device.
227a.41.	X-ray on status.
227a.42.	Labeling.
227a.43.	Beam ports.
227a.44.	Shutters.
227a.45.	Radiation emission limits.
227a.46.	Primary beam attenuation.
227a.47.	Operator attendance.
227a.48.	Control of access.
227a.49.	Instruction and training.
227a.50.	Handheld radiation-producing devices.
227a.51.	Bomb detection radiation-producing devices.
227a.52.	Radiation-producing devices used in individual security screening.
227a.53.	Radiation-producing devices used in vehicle security screening.
227a.54.	Permanent radiographic installations.
227a.55.	Shielded room radiation-producing devices.

§ 227a.40. Safety device.

(a) *Documentation.* The registrant shall document its justification of the use of an open-beam instead of closed-beam radiation-producing device.

(b) *Open-beam considerations.* If the registrant needs to use an open-beam radiation-producing device, the registrant shall consider a safety device which minimizes the chance of entry of any portion of the operator's body into the path of the primary beam or which causes the primary beam to be shut off upon entry into its path.

(c) *Records.* If the registrant's use of an open-beam radiation-producing device does not permit the use of a safety device to minimize the chance of direct body exposure, the registrant shall maintain a written record of the justification required in subsection (a) and a description of the various safety devices that have been evaluated and reasons the devices cannot be used. These records shall be available onsite for inspection as long as this method is used, plus an additional 5 years.

(d) *Alternative methods.* If the registrant's use of the open-beam radiation-producing device does not permit the use of a safety device to minimize the chance of direct body exposure, the registrant shall use alternative methods, such as policies and procedures, to minimize the possibility of unnecessary exposure. The registrant shall document the alternative methods used. The documentation must include information about the absence of safety

devices. This documentation shall be available for inspection as long as the methods are used plus an additional 5 years.

(e) *Compliance.* For a portable open-beam radiation-producing device without a safety device described under subsection (b) that is manufactured to be used or potentially used as a handheld device, the safety device requirements under subsections (b)—(d) shall be met by complying with § 227a.50 (relating to handheld radiation-producing devices) prior to use.

§ 227a.41. X-ray on status.

Open-beam radiation-producing devices must have a conspicuous and active indication of the following, as applicable:

(1) X-ray tube "on-off" status indicator located near the radiation source housing. The warning lights required under § 227a.11(b) (relating to warning devices), meet this requirement if the warning lights are conspicuous and viewable by anyone near the primary beam.

(2) Shutter "open-closed" status indicator located at the control panel and near each beam port on the radiation source housing, if the primary beam is controlled with a shutter. The shutter status device must be clearly labeled to indicate whether the shutter is open or closed. The status light at the control panel meets the requirement for the status light at the beam port if the status light at the control panel is conspicuous and viewable by anyone near the primary beam.

(3) The X-ray tube "on-off" status indicator and the shutter "open-closed" status indicators must be of a fail-safe design.

§ 227a.42. Labeling.

Each unit must be labeled at or near the X-ray exit beam port to identify the location of the beam with the words, "CAUTION—X-RAY BEAM," "CAUTION—HIGH INTENSITY X-RAY BEAM," or words having a similar intent.

§ 227a.43. Beam ports.

Unused beam ports on radiation source housings shall be secured in the closed position in a manner which will prevent inadvertent opening.

§ 227a.44. Shutters.

On open-beam radiation-producing device configurations that are designed to accommodate interchangeable components, each beam port on the radiation source housing must be equipped with a shutter that cannot be opened unless a collimator or a component coupling has been connected to the beam port.

§ 227a.45. Radiation emission limits.

Radiation emissions limits, exclusive of the primary beam, must be met at any specified tube rating established by the manufacturer. The local components of an open-beam radiation-producing device must be located, and be arranged and include sufficient shielding or access control to prevent either of the following from occurring:

(1) Radiation emissions in any area surrounding the local component group which could result in an occupational dose in excess of 10 CFR Part 20 Subpart C (relating to occupational dose limits).

(2) A dose to an individual in an area surrounding the local component group in excess of the dose limits outlined under § 219.51 (relating to dose limits for individual members of the public).

§ 227a.46. Primary beam attenuation.

In cases where the primary beam is not intercepted by the detector device under all conditions of operation, protective measures, such as auxiliary shielding or administrative procedures, shall be provided to avoid exposure to any individual from the transmitted primary beam.

§ 227a.47. Operator attendance.

The operator shall be present at all times when the equipment is in operation except when the area is locked, or the equipment is secured to protect against unauthorized or accidental entry.

§ 227a.48. Control of access.

If the radiation-producing device is not in a restricted area as defined in 10 CFR 20.1003 (relating to definitions), the operator shall control access to the radiation-producing device at all times during operation. The following apply:

(1) Radiation areas must be conspicuously identified. The following apply:

(i) The radiation source must be within a conspicuous perimeter, for instance, a rope, tape or other barrier, that identifies the area in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.005 rem (0.05 mSv) in 1 hour.

(ii) The area described in subparagraph (i) must be suitably posted with "CAUTION—RADIATION AREA" signs.

(iii) The operator shall ensure that no one is inside and that no one enters the radiation area during operation of the radiation-producing device.

(2) High radiation areas must be conspicuously identified. The following apply:

(i) The radiation source must be within a conspicuous perimeter, for instance, a rope, tape or other barrier, that identifies the area in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour.

(ii) The area described in subparagraph (i) must be suitably posted with "CAUTION—HIGH RADIATION AREA" signs.

(iii) The operator shall ensure that no one is inside or enters the high radiation area during operation of the radiation-producing device.

(3) The operator shall perform a visual check of the controlled area to ensure that it is free of unauthorized personnel immediately prior to activating or exposing the radiation source.

§ 227a.49. Instruction and training.

In addition to meeting the requirements of § 227a.21 (relating to instruction and training), an individual may not operate or maintain an open-beam radiation-producing device unless the individual has received training applicable to the procedures to be performed and the specific equipment used. This training may include more specific and detailed instruction in, and demonstrated competence as to, the following:

(1) Sources and magnitude of common radiation exposure.

(2) Units of radiation measurement.

(3) Radiation protection concepts of time, distance, shielding and ALARA.

(4) Procedures and rights of a declared pregnancy.

(5) Regulatory requirements and area postings.

(6) Worker, embryo/fetus and public dose limits.

(7) Proper use of survey instruments and dosimetry.

(8) Policies and procedures required under § 227a.40 (relating to safety device).

§ 227a.50. Handheld radiation-producing devices.

In addition to the requirements in Subchapter B and this subchapter (relating to general technical requirements; and open-beam radiation-producing devices), the following requirements apply to open-beam, hand-held radiation-producing devices.

(1) *Procedures.* A registrant possessing an open-beam, hand-held radiation-producing device shall have available for review operating policies and procedures that contain measures to ensure that the following are met:

(i) Radiation protection is provided equivalent to that afforded under § 219.51 (relating to dose limits for individual members of the public).

(ii) Radiation protection is provided equivalent to that afforded under § 227a.46 (relating to primary beam attenuation).

(iii) The operator will not hold the sample during operation of the radiation-producing device and that the operator's hands will not approach the primary beam.

(iv) The operator will not aim the primary beam at any individual, including the operator, during the operation of the radiation-producing device.

(v) Operator radiation exposure is as low as reasonably achievable by use of means such as ancillary equipment that will reduce exposure.

(2) *Training.* In addition to the training requirements under §§ 227a.21 and 227a.49 (relating to instruction and training), the registrant shall provide training for all users and operators on the subjects specified under this section. Records shall be maintained for all user and operator training and be made available for review by the Department for 5 years.

(3) *Radiation emission limit.* For hand-held radiation-producing devices, the limits of §§ 227a.13(b) and 227a.14 (relating to radiation source housing; and generating cabinet or high voltage radiation emission limits), excluding the primary beam, shall be met if the radiation emission at any accessible surface of the radiation-producing device does not exceed 2.5 mrem (0.025 mSv) per hour at 5 centimeters.

§ 227a.51. Bomb detection radiation-producing devices.

In addition to the requirements in Subchapter B (relating to general technical requirements), except § 227a.16 (relating to posting), the following requirements apply to bomb detection radiation-producing devices:

(1) *Control panel security.* In addition to the requirements in § 227a.17 (relating to security), bomb detection radiation-producing devices shall be locked to prevent unauthorized use when not in use.

(2) *Use log.* The registrant shall maintain a use log for each bomb detection radiation-producing device. This log must record the description of the unit, the date removed

from storage, the date returned to storage, the identity and signature of the person to whom the device is assigned, the dates of use and the site or sites of use. This use log shall be maintained for 5 years.

(3) *Area control.* The registrant shall provide security to prevent entry by individuals to the area in which the device is energized.

§ 227a.52. Radiation-producing devices used in individual security screening.

In addition to the requirements in Subchapter B (relating to general technical requirements), the following requirements apply to radiation-producing devices used in individual security screening. A person requesting Department approval for a radiation-producing device to be used for individual security screening with intended human exposure to the primary beam for public protection shall submit the following information to the Department for evaluation and approval. The applicant shall state how the dose limits in this section will be met. The applicant shall receive Department approval prior to use.

(1) *Efficacy evaluation.* An evaluation of all known alternate methods that could achieve the goals of the individual security screening program and an explanation of why these methods will not be used in preference to the applicant's proposed approach using ionizing radiation.

(2) *Equipment evaluation.* A device used for individual security screening of humans shall be evaluated by a qualified expert at the following times for optimization of image quality and radiation dose per manufacturer's recommendations and this section:

- (i) Upon installation of the device.
- (ii) After maintenance that affects the radiation shielding, shutter mechanism or X-ray production components.
- (iii) Upon damage to the system.
- (iv) Every 12 months.

(3) *Dose limits for general-use systems.* An effective dose for a single complete screening must be limited to 25 µrem (0.25 µSv) when the system is used without regard to the number of individuals scanned or number of scans per individual in a year.

(4) *Dose limits for limited-use systems.* The effective dose per screening must be less than or equal to 1 mrem (0.01mSv) when equipment is capable of operation greater than 25 µrem (0.25 µSv) per screening. The number of scans per individual must be tracked to ensure the dose does not exceed the limits referenced in paragraph (5) and § 227a.53(c) (relating to radiation-producing devices used in vehicle security screening).

(5) *Dose limits for repeat security screenings.* An individual subject to repeat individual security screenings at a single venue may not receive an effective dose greater than 25 mrem (0.25 mSv) in a 12-month period at the registrant's or licensee's facility.

(6) *Information available to screening subjects.* At a minimum, the registrant shall make the following information available to screening subjects prior to scanning:

- (i) The estimated effective dose from one screening.
- (ii) Examples comparing the effective dose with commonly known sources of radiation exposure.

(7) *Training.* Training must include the following:

(i) The RSO shall have 8 hours of training in radiation safety which must include X-ray physics, biological effects, units of measure, safety standards, and protection regulations.

(ii) In addition to X-ray scanner operation training by the manufacturer, an operator shall receive at least 2 hours of radiation safety training.

(iii) Operators and the RSO shall receive annual radiation safety refresher training. Training must include the applicable topics under Chapter 221, Appendix A (relating to determination of competence).

(8) *Scanning of minors and pregnant individuals.* The scanning of an individual under 18 years of age or an individual known or declared pregnant is prohibited without prior departmental approval.

(9) *Preventative maintenance.* The registrant shall follow the manufacturer's recommended preventative maintenance schedule.

(10) *Radiation protection program.* A written radiation safety program must be based on accepted radiation protection principles, including keeping an exposure ALARA. The registrant is responsible to have the program developed, documented and implemented. The RSO shall review the radiation protection program at least annually.

(11) *Records retention.* The registrant shall maintain all records relative to the use of the radiation-producing device for at least 5 years.

§ 227a.53. Radiation-producing devices used in vehicle security screening.

(a) *Procedure for human exposure.* When the procedures for operation of a mobile or transportable radiation-producing device used for security screening of vehicles includes knowingly exposing human occupants to the primary beam when screening vehicles, structures or containers, the system is subject to the same requirements as provided in § 227a.52(1)—(5) (relating to radiation-producing devices used in individual security screening).

(b) *Minimizing human exposure.* If vehicle occupants are knowingly exposed to the primary beam of a security screening device and the requirements in § 227a.52(3)—(5) cannot be met, then there shall be means to ensure the occupied portion of the vehicle is outside of the scan area while the primary beam is emitted or procedures shall be established and implemented to ensure that no occupants are present in the vehicle during screening.

(c) *Dosage limits.* The effective dose to an individual for a single inadvertent exposure to the primary beam must not exceed 500 mrem (5 mSv). The reliability of the procedure used to ensure that a vehicle to be scanned is unoccupied must be commensurate with the potential severity of an inadvertent exposure. A pre-screening with a mode or system that can meet the limits under § 227a.52(3)—(5) shall be used to verify that the vehicle being examined is unoccupied if the 500 mrem (5 mSv) limit cannot be ensured.

§ 227a.54. Permanent radiographic installations.

(a) *Entrance controls.* Permanent radiographic installations having high radiation area entrance controls of the types described in 10 CFR 20.1601 and 20.1902 (relating to control of access to high radiation areas; and posting requirements) must also meet the following requirements:

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation must have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation whenever the X-ray source is energized. The audible signal shall be activated when an attempt is made to enter the installation while the X-ray source is energized.

(2) The entrance control device or alarm system shall be tested for proper function prior to beginning operations on each day of use.

(3) The industrial radiographic system may not be used if an entrance control device or alarm system is not operating properly. If an entrance control device or alarm system is not functioning properly, it shall be removed from service and repaired or replaced immediately. If no replacement is available, the facility may continue to be used if the registrant implements the continuous surveillance under 10 CFR 34.51 and 34.53 (relating to surveillance; and posting), § 225.85 (relating to surveys and survey records) and uses an alarming ratemeter. Before the entrance control device or alarm system is returned to service, the RSO or an individual designated by the RSO shall validate the repair.

(b) *Records.* Records of the tests performed under subsection (a) shall be maintained for inspection by the Department for 5 years.

§ 227a.55. Shielded room radiation-producing devices.

(a) *Control of access.* A room used for shielded room X-ray radiography must be shielded so that every location on the exterior meets conditions for an unrestricted area. Access to the room may only be through openings that are interlocked. The openings must be interlocked so that the radiation source cannot operate unless all openings are securely closed and meet the requirement of 10 CFR

20.1601 (relating to control of access to high radiation areas).

(b) *Physical radiation survey.* The operator shall conduct a physical radiation survey to determine that the radiation source is deenergized prior to each entry into the radiographic exposure area.

(c) *Radiation monitoring system.* The operator may use an independent radiation monitoring system that displays the radiation intensity or displays when radiation levels have returned to their pre-irradiation levels as an alternative to subsection (b).

**CHAPTER 228. RADIATION SAFETY
REQUIREMENTS FOR PARTICLE ACCELERATORS**

GENERAL PROVISIONS

§ 228.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accelerator or particle accelerator—A radiation-producing machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 megaelectron volt (MeV).

Applicator—A structure which determines the extent of the treatment field at a given distance from the virtual source.

* * * * *

[Pa.B. Doc. No. 23-1077. Filed for public inspection August 11, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Appointment of Agents

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its July 8, 2023, meeting to amend §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and delete §§ 143.22, 143.25, 143.26 and 143.28 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the July 8, 2023, meeting of the Commission. Comments can be sent until September 13, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recently conducted an evaluation of its issuing agent program looking for ways to decrease costs and requirements applied to this group. This effort is, in part, related to the Commission's recognition of the significant impact that changes to its license sales process have had on issuing agents in the form of reduced license sales opportunities and increased business costs. For these reasons, the Commission is proposing to amend §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and delete §§ 143.22, 143.25, 143.26 and 143.28 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

Current regulations set the annual issuing agent application fee at \$500. First-year issuing agents are eligible to apply for application fee rebates of up to \$400 depending on the number of licenses they sell throughout the license year. However, few first-year issuing agents recoup more than \$100 to \$200 in rebates each year. Moreover, the \$500 application fee figure was set at a time that predated the availability of Internet license sales and onsite license printing for in-person sales that are now current standards. Due to the updates and advances in the licensing system process and infrastructure over the past decade, the Commission determined that it can safely lower costs to issuing agents by reducing the annual issuing agent application fee from \$500 to \$200 without creating any unreasonable risk to the Commission. Furthermore, this change mitigates the need for the Commission to maintain the existing rebate program, thus allowing the applicable regulations to be simplified by elimination of regulatory text.

Current regulations require an issuing agent applicant to acquire and maintain an \$18,000 bond. This bonding rate was set at a time when pre-printed paper licenses were sent to issuing agents to cover the Commission's significant investment in the value of the paper license stock, as well as the resulting fees collected by issuing agents. After the Commission's migration to the current

onsite printable licenses, its investment in license paper stock has significantly reduced. Furthermore, the Commission's migration to weekly electronic funds transfers (EFT) has also reduced the Commission's financial risk associated with collection of the revenues generated by license and permit sales. Lastly, of the few instances in the past 2 years where the Commission collected against an agent's bond, the claims fell well below the \$18,000 figure. Due to all the updates and advances in the licensing system process and infrastructure over the past decade, the Commission determined that it can safely lower costs to issuing agents by reducing the annual bonding rate from \$18,000 to \$11,000 without creating any unreasonable risk to the Commission.

As an added measure to reduce requirements on issuing agents, the Commission has determined it appropriate to reduce the annual minimum sales requirement from 50 to 25 license products per year. The changes will also allow mentored hunting permits to be included in an issuing agent's sales figures. Lastly, the Commission determined that it is no longer necessary to maintain the limited November 1 through March 31 application window for issuing agent applications due to the advances in technology and license issuance processes. Allowing applications year-round will give issuing agent applicants greater access without creating any unreasonable burdens on the Commission.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the Commission shall adopt regulations for "[t]he administration, control and performance of activities conducted pursuant to the provisions of this chapter." The amendments to §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and deletion of §§ 143.22, 143.25, 143.26 and 143.28 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 143.21, 143.23, 143.24, 143.27 and 143.30 and delete §§ 143.22, 143.25, 143.26 and 143.28 to reduce issuing agent application fees, minimum annual sales quotas and annual bonding rates.

3. Persons Affected

Persons wishing to become an issuing agent within this Commonwealth will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional paperwork for the Commission or its issuing agents. However, this proposed rulemaking will result in significant reductions in costs to the Commission's issuing agents in the form of reduced application fees and bonding rates.

5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCosky, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-500. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

**CHAPTER 143. HUNTING AND FURTKAKER
LICENSES**

Subchapter B. APPOINTMENT OF AGENTS

§ 143.21. Appointment of agents.

A person desiring appointment as an agent shall apply to the Commission on the form provided. An application fee of [\$500] \$200 is required for each location, in the form of a negotiable check or money order payable to "Pennsylvania Game Commission." The completed application, along with the application fee, shall be forwarded to: Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

§ 143.22. [Rebate for first year agents] [Reserved].

[(a) An agent shall be entitled to a rebate based upon his first license year only sales as follows:

- (1) Rebate \$100 if 250 licenses are sold.
- (2) Rebate \$200 if 500 licenses are sold.
- (3) Rebate \$300 if 750 licenses are sold.
- (4) Rebate \$400 if 1,000 licenses are sold.

(b) A rebate will not be given after the first license year of sales.]

§ 143.23. Minimum sales requirement.

To continue as an agent, a minimum of [50 hunting licenses] 25 license or permit products shall be sold each license year. Qualifying licenses, for the purpose of calculating [50] 25 hunting licenses, will be the regular resident, nonresident hunting and furtakers licenses and mentored hunting permits. Archery, muzzleloader, bear, special wild turkey, migratory game bird and replacement licenses are not included as qualifying licenses. In addition, an agent shall continue to meet the requirements in § 143.27 (relating to conditions for appointment).

§ 143.24. Fee for reapplication.

If an agent sells less than the required [50] 25 qualifying licenses in a given license year, and is removed by the Commission, or if an agent voluntarily withdraws,

a subsequent reapplication requires payment of the application fee.

§ 143.25. [Rebate restrictions] [Reserved].

[A rebate will not be granted if the agent is delinquent in remitting moneys as required.]

§ 143.26. [Time for rebate] [Reserved].

[Rebate to the agent will be credited to his account at the beginning of the license year following his first year as an agent.]

§ 143.27. Conditions for appointment.

A person desiring consideration for appointment as an agent shall meet the following conditions:

- (1) Be a resident of this Commonwealth or an entity registered to do business in this Commonwealth.
- (2) Operate a bona fide sporting goods sales outlet where the public expects to find this service.
- (3) Be open to the public during reasonable daylight and evening hours.
- (4) Not operate on a seasonal or part-time basis.
- (5) Agree to and demonstrate ability to provide full license service and cooperation to the public throughout the entire license sales period, and keep records required by the Commission and by statute.
- (6) Provide security to the Commission in an amount of at least [\$18,000] \$11,000.

§ 143.28. [Application period] [Reserved].

[(a) A person requesting appointment as an agent shall submit the appropriate completed application form to the Commission in Harrisburg during the period November 1 through March 31 of the following year to be eligible for appointment as an issuing agent for the license year beginning the following July 1.

(b) An application received outside of the application period is not guaranteed to be processed by the Commission before the start of the license year beginning July 1.]

§ 143.30. [Return] Notice of disapproved applications.

[Disapproved applicants will be notified in a timely manner, and the entire \$500 application fee will be returned] The Commission will provide prompt written notice of its disapproval of an application submitted under this subchapter and return the application fee to the applicant.

[Pa.B. Doc. No. 23-1078. Filed for public inspection August 11, 2023, 9:00 a.m.]

STATEMENTS OF POLICY

Title 37—LAW

MUNICIPAL POLICE OFFICER'S EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 281]

Canine Training and Certification Program

Under 53 Pa.C.S. § 2172 (relating to canine training standards for police officers), on March 23, 2023, the Municipal Police Officers' Education and Training Commission in collaboration with the Pennsylvania State Police amended the police officer canine training and certification standards, originally adopted December 8, 2022. This document, set forth in Annex A as 37 Pa. Code Part IV, Subpart E, Chapter 281, Appendix A (relating to canine training and certification standards), is published under 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.

VINCENT C. DeLIBERATO, Jr.,
Director
Legislative Reference Bureau

Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart E. LEGISLATIVELY ORDERED MATERIAL

CHAPTER 281. LEGISLATIVELY ORDERED MATERIAL RELATING TO CANINE TRAINING AND CERTIFICATION

APPENDIX A. Canine Training and Certification Standards

*(Editor's Note: Under 53 Pa.C.S. § 2172 (relating to canine training standards for police officers), the Municipal Police Officers' Education and Training Commission in collaboration with the Pennsylvania State Police and municipal police department canine units or officers, established police officer canine training and certification standards. This document is published under 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)*

§ 1. Basic training.

(a) *Requirements.* Prior to conducting police operations, a police canine unit must complete a basic training program that includes instruction in the following:

- (1) Basic working dog skills including temperament, obedience, apprehension and the like.
- (2) Applicable specialty skills including patrol, scent and the like.
- (3) Team training with the assigned handler.

(b) *Evaluation/approval organizations.* Following completion of basic training, the police canine unit must be evaluated and approved by a police canine trainer operating with the approval of one of the following organizations:

- (1) American Mantrailing, Police & Work Dog Association
- (2) American Police Canine Association
- (3) National Narcotic Detector Dog Association
- (4) National Police Canine Association
- (5) National Tactical Police Dog Association
- (6) North American Police Work Dog Association
- (7) Penn Vet Working Dog Center
- (8) Pennsylvania State Police
- (9) United States Customs and Border Protection
- (10) United States Police Canine Association
- (11) United Police and Corrections K-9 Association
- (12) Transportation Security Administration
- (13) American Working Dog Association
- (14) Maine Criminal Justice Academy
- (15) National Association of Professional Canine Handlers
- (16) Pittsburgh Police Department

§ 2. Maintenance training and evaluation.

(a) *Training.* Every police canine unit shall accomplish 16 hours of monthly maintenance training that includes the following:

- (1) Review basic skills.
- (2) Review specialty skills.
- (3) Review use of force decision-making by the handler.
- (b) *Attendance.*

(1) A police canine unit that is unable to complete monthly training shall document the reasons and will be required to make up the missed training at the next available opportunity.

(2) A police canine unit that fails to accomplish monthly training for 2 consecutive months will be required to be evaluated in accordance with subsection (c) before being permitted to conduct police operations.

(c) *Evaluation/approval.* At least once per calendar year, each police canine unit must be evaluated and approved by a police canine trainer as specified in § 1(a) (relating to basic training).

(d) *Evaluation/probation.* A police canine unit that fails an evaluation may continue to conduct police operations for a period not to exceed 60 days, during which the canine unit must be re-evaluated and approved.

(e) *Removal from service.* A police canine unit not meeting evaluation and approval standards within 60 days will be removed from service until the police canine unit is successfully evaluated and approved.

§ 3. Records and documentation.

(a) *Training documentation.* Every police department employing a police canine unit shall maintain documentation of all basic and maintenance training for the duration of the police canine unit's service and for at least 5 years following the end of the police canine unit's service with the department.

(b) *Evaluation form.* Both initial and annual evaluations will be documented on a form promulgated by the Municipal Police Officers' Education and Training Commission.

(c) *Evaluation results.* Evaluations, whether successful or unsuccessful, shall be maintained for the duration of

the police canine unit's service and for at least 5 years following the end of the police canine unit's service with the department.

[Pa.B. Doc. No. 23-1079. Filed for public inspection August 11, 2023, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Program Requirements for the 2023-2024 Agriculture and Youth Organization Grant Program

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Agriculture and Youth Organization Grant Program (Program).

The Program is established under authority of 3 Pa.C.S. §§ 10301—10307 (relating to agriculture and youth development) as amended by the act of July 7, 2022 (P.L. 504, No. 52), referred to as the Agriculture and Youth Development Grant Program Act. The Program allows the Department to award direct grants and matching grants to help fund eligible projects, programs and equipment purchases conducted or made by an organization composed mainly of youth, or an organization with programs that benefit youth, and organized to promote development in the areas of agriculture, community leadership, vocational training and peer fellowship.

This notice establishes the policy guidelines for the Program. It establishes the process by which grant applications will be solicited, reviewed and awarded for Fiscal Year (FY) 2023-2024. The amount appropriated for grants in FY 2023-2024 will be no less than \$500,000.

For the FY 2023-2024 Program, the Department will consider an eligible applicant to be any organization composed mainly of youth or an organization with programs that benefit youth and organized to promote development in the areas of agriculture, community leadership, vocational training and peer fellowship. The term includes a school district. This will include but is not limited to applications from schools or school districts to help fund eligible projects conducted by or for the benefit of agriculture and youth organizations operated under the applicant school or school district. The Department may revise these policy guidelines in subsequent years, as the Department gains experience in administering the Program.

This document has been developed in consultation with the State Agriculture and Youth Development Board (Board).

1. *Program objective.* The Program's objective is to provide grants to eligible agriculture and youth organizations to help fund projects such as educational programs, work force development programs, eligible seminars and field trips, agricultural safety training programs, capital projects, equipment purchases and special projects, as approved by the Board.

2. *Definitions.* The following words and phrases apply to the Program:

Agriculture and youth organization. An organization composed mainly of youth, or an organization with programs that benefit youth, and organized to promote development in the areas of agriculture, community leadership, vocational training and peer fellowship. The term includes a school district.

Board. The State Agriculture and Youth Development Board.

Department. The Department of Agriculture of the Commonwealth.

Eligible project. One or more of the following, approved by the Board:

- a. An educational or work force development program conducted by an agriculture and youth organization.
- b. Educational or work force development seminars and field trips conducted by an agriculture and youth organization.
- c. An agricultural safety training program conducted by an agriculture and youth organization.
- d. A capital project or an equipment purchase for an agriculture and youth organization.

Program. The Agriculture and Youth Organization Grant Program.

3. *Eligibility.* An agriculture and youth organization may apply to the Department for a grant under the Program. For an organization to be eligible to apply, most of its membership must be 24 years of age or younger or must have programming/initiatives focused on individuals 24 years of age or younger. A school or school district may apply to receive grant funds for an eligible project conducted by or for the benefit of an agriculture and youth organization that is operated under that school or school district.

4. *Annual allocation limit for FY 2023-2024.* The annual allocation limits for grant funds under the Program shall be as presented in section 5, on a funds-available basis.

5. *Grant types.* There are two different types of grants that can be awarded under the Program:

- a. Direct, non-matching reimbursement grants of up to \$7,500 to defray the costs of an eligible project, other than a capital project; and
- b. Matching reimbursement grants of up to \$25,000 to defray the costs of an eligible capital project or equipment purchase, where the grant comprises no more than 50% of the project costs.

6. *Limitations on grants.* The following shall apply:

- a. The amount of reimbursement is based on actual eligible costs submitted by an approved applicant for an approved project during any fiscal year in which grants are offered.
- b. Grant reimbursement money is limited as described in section 5.
- c. Grant reimbursement money shall not be used to reimburse any portion of an in-kind contribution to an eligible project.
- d. Grant money may not be used to pay or reimburse wages or salaries of grant recipient staff.
- e. Grant money may not be used to reimburse any portion of the project costs which are being paid or reimbursed under another Federal or State grant program.

7. *Application procedure.*

a. *Online Applications Only.* An applicant for a grant under the Program shall be submitted through the Commonwealth's Single Application for Assistance online application system, at www.esa.dced.state.pa.us.

b. *Application Window.* Applications must be submitted through the Single Application for Assistance online

application system between 8 a.m. on August 14, 2023, and 5 p.m. on September 29, 2023. Applications received outside of that application window will not be considered or reviewed.

c. *Application Requirements.* An application for a grant under the Program shall contain the following information:

i. The applicant's name, business address and contact information.

ii. A brief narrative explaining how the applicant is an agriculture and youth organization.

iii. A statement as to whether the applicant seeks a direct, nonmatching reimbursement grant or a matching reimbursement grant, as these are described in section 5.

iv. The details of the project or equipment purchase for which reimbursement grant money is sought, including the following:

A. A project budget.

B. A statement of the maximum amount of grant money sought for the project.

C. A project implementation schedule, a construction schedule or an equipment purchase plan, as appropriate for the project or purchase with respect to which the grant is sought.

D. A narrative identifying each entity that will assist in, participate in and benefit from the project.

E. A project completion date, which shall be no later than June 30, 2025.

v. An attestation signed by the applicant, verifying the accuracy of the information presented on the application.

8. *Disposition and review of grant applications.*

a. The Department will review each application, and supporting documentation submitted therewith, for completeness and accuracy, and shall determine whether the application is eligible for consideration by the Board.

b. If an application is found to be incomplete or inaccurate, the Department may request additional documentation and may discontinue further processing of the application until the requested information is received.

c. If the Department determines an application is complete, accurate and eligible for consideration by the Board, it shall submit that application for consideration by the Board at its next scheduled meeting. The Board shall consider the project, capital project or equipment purchase that is the subject of the application and shall vote to recommend approval or disapproval of the application by the Department.

d. The Department will consider the Board's recommendation and make the decision as to approval or disapproval of an application upon the recommendation of the Board.

9. *Notice of disposition of application.* The Department will provide the applicant e-mail notice of the disposition (approval or disapproval) of the application.

10. *Grant agreement.* After the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant shall execute a written or electronic grant agreement which establishes the terms and conditions subject to which the grant is made. The grant agreement will not be effective, and work should not begin, until all required signatures have been applied to the grant agreement. The grant agreement will contain and conform to the requirements of this notice and will also contain special terms and conditions as required by the Secretary. Among the terms of the grant agreement will be a requirement that the grant recipient provide the Department full and complete access to all records relating to the performance of the project and submit such information as the Department may require. Applicants who wish to view the full terms and conditions of the grant agreement in advance of submitting an application may contact the Department at the phone number or e-mail address set forth in section 12. Applicants who are unable to agree to the terms and conditions should not submit an application.

11. *Distribution of grant money.* As Program grants are reimbursement grants, the Department will not issue grant money until the successful applicant delivers the following to the Department immediately following project completion, but no later than June 30, 2025:

a. A verified statement that the eligible project has been completed or implemented, or that the subject equipment has been purchased.

b. A verified statement of the project completion date or the equipment purchase date.

c. Photos of the completed or implemented project or the equipment purchased, with a narrative explanation of each photo.

d. Bills and invoices demonstrating that expenses were incurred for which reimbursement grant funds are sought.

Documents submitted to the Department under this section shall be directed to the Department of Agriculture, Bureau of Market Development, Attn: Agriculture and Youth Organization Grant Program Coordinator, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

12. *Additional information:* Additional information may be obtained from the Department by contacting Sara Gligora, (717) 798-5048, sgligora@pa.gov.

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 23-1080. Filed for public inspection August 11, 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 August 1, 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, may file comments in writing with the Department, for Bank Supervision, by

e-mail to ra-bnbnksbmsnspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance 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, or for credit unions or trust companies (717) 783-2253.

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
07-27-2023	George E. Norcross, III Palm Beach Palm Beach County, FL Gregory B. Braca Palm Beach Palm Beach County, FL Philip A. Norcross Palm Beach Palm Beach County, FL Avery Conner Capital Trust Palm Beach Palm Beach County, FL	Withdrawn
	Application for approval to solicit revocable proxies from more than 10% of the holders of the shares of common stock of Republic First Bancorp, Inc., Philadelphia, PA, and thereby indirectly acquire 10% or more of the voting control of Republic Bank, Philadelphia, PA.	

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
07-27-2023	CCFNB Bancorp, Inc. Bloomsburg Columbia County	Approved
	Application for approval to acquire 100% of Muncy Bank Financial, Inc., Muncy, PA, and thereby indirectly acquire 100% of The Muncy Bank and Trust Company, Muncy, PA.	

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
07-27-2023	First Columbia Bank & Trust Co. Bloomsburg Columbia County	Approved
	Application for approval to merge The Muncy Bank and Trust Company, Muncy, PA, with and into First Columbia Bank & Trust Co., Bloomsburg, PA.	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
07-19-2023	Kish Bank Belleville Mifflin County	615 Pleasant Valley Boulevard Altoona Blair County	Opened

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
07-24-2023	CNB Bank Clearfield Clearfield County	1960 Old Gatesburg Road State College Centre County	Opened
08-01-2023	CNB Bank Clearfield Clearfield County	926 Parade Street Erie Erie County	Accepted

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
07-27-2023	Meridian Bank Malvern Chester County	<i>To:</i> 1301 Skippack Blue Bell Montgomery County <i>From:</i> 653 Skippack Pike Blue Bell Montgomery County	Approved

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Acting Secretary

[Pa.B. Doc. No. 23-1081. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2023

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September 2023, is 6 1/2%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 4.00 to which was added 2.50 percentage

points for a total of 6.50 that by law is rounded off to the nearest quarter at 6 1/2%.

WENDY S. SPICHER,
Acting Secretary

[Pa.B. Doc. No. 23-1082. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Community Services Block Grant Program's Proposed State Plan

The Department of Community and Economic Development (Department) publishes notice of a public hearing to be held at 2 p.m. on Monday, August 21, 2023, by means of the Microsoft Teams virtual platform by the information listed as follows. The purpose of this hearing is to receive comments on the proposed Community Services Block Grant (CSBG) Program State Plan (State Plan) for Federal Fiscal Years 2023—2025.

The 2023—2025 State Plan will authorize the current formula-based distribution for each of the 43 Federally designated Community Action Agencies in this Commonwealth. The State Plan includes the following:

- A description of the State's roles and responsibilities in administering the CSBG Program.
- A listing of the 43 current eligible entities and their service areas.

- A description of the process for allocating funds.
- A projected goal for each year's rate of agency compliance with required organizational standards.
- A plan for training and technical assistance provision to the eligible entities.
- A description of potential discretionary spending projects.
- A plan for agency risk assessment, program monitoring and corrective action.

Copies of the draft 2023—2025 State Plan may be obtained beginning August 11, 2023, by contacting the Department of Community and Economic Development, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 425-7597 or it can be downloaded from the Department's web site at www.dced.pa.gov.

Written comments may be submitted to Melissa Tabb, Deputy Director, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, mtabb@pa.gov until 5 p.m. on August 25, 2023.

There is no registration required to attend the virtual hearing.

Individuals can join the virtual hearing at https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%23%2F1%2Fmeetup-join%2F19%3Ameeting_MTKwMzUxMWQtNTI4ZC00NzgxLWJjOTUtMDI1MGM3NzkwNDMx%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%25224226e4a2-bf80-4a9b-8593-fe809f2d77e6%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=bf94d68e-25ab-407f-86b3-fdb2d7b0af24&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true. The meeting ID is 269 528 365 483. The passcode is kxi3nf.

Individuals can join the virtual hearing by phone at (267) 332-8737. The conference ID is 893 178 164#.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other

accommodations to participate in the proceedings should contact Yvonne Adams at (717) 425-7597 to discuss how the Department may accommodate their needs.

RICK SIGER,
Secretary

[Pa.B. Doc. No. 23-1083. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Press and Release Printing Company v. Commonwealth of Pennsylvania, Department of Community and Economic Development, Doc. No. DCED-2021-0027

On March 23, 2021, Press and Release Printing Company filed an appeal of a denial of an application for benefits under the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (73 P.S. §§ 820.101—820.1310).

Notice

A hearing will be conducted before the Department of State Hearing Examiner Monty Batson, Esquire, at 10 a.m. on August 29, 2023, by means of Microsoft Teams at <https://bit.ly/3Ybq1iK> or by phone at (267) 332-8737. The conference ID is 425485445#. For additional information contact the Department of State's prothonotary at (717) 772-2686. The hearing will be conducted in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

RICK SIGER,
Secretary

[Pa.B. Doc. No. 23-1084. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0913866	Joint DEP/PFBC Pesticides Permit	Renewal	Dean Patrick 72 Sweetbriar Road Perkasie, PA 18944-3807	Bedminster Township Bucks County	SERO
3123801	Joint DEP/PFBC Pesticides Permit	New	Globe Run Rod & Gun Club 3417 Alabama Avenue Alexandria, VA 22305-1737	West Township Huntingdon County	SCRO
4323806	Joint DEP/PFBC Pesticides Permit	New	Derek Bayer 532 Campground Road West Middlesex, PA 16159-2816	Shenango Township Mercer County	NWRO
4323807	Joint DEP/PFBC Pesticides Permit	New	Robert Craft 27 Cassidy Drive Mercer, PA 16137-3403	East Lackawannock Township Mercer County	NWRO
4616822	Joint DEP/PFBC Pesticides Permit	Amendment	Upper Pottsgrove Township 1409 Farmington Avenue Pottstown, PA 19464-1894	Upper Pottsgrove Township Montgomery County	SERO
PA0021890	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Amendment, Minor	New Holland Borough Water Authority Lancaster County 436 E Main Street New Holland, PA 17557-1404	Earl Township Lancaster County	SCRO
PA0080268	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Ward Realty Ventures Regency LLC 577 S Front Street Harrisburg, PA 17104-1660	Middlesex Township Cumberland County	SCRO
0589201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Sandy Run Landfill LLC 995 Landfill Road Hopewell, PA 16650-8653	Broad Top Township Bedford County	SCRO
NOEXNC118	No Exposure Certification	Renewal	Bimbo Bakeries USA 500 Hanover Street Northumberland, PA 17857-1008	Northumberland Borough Northumberland County	NCRO
NOEXNW030	No Exposure Certification	Renewal	Praxair Surface Tech Inc. 595 Honey Bee Lane New Castle, PA 16105-3809	Wilmington Township Lawrence County	NWRO
NOEXSC103	No Exposure Certification	Renewal	Fedex Corp 3620 Hacks Cross Road Bldg B 3rd Floor Memphis, TN 38125-8800	East Lampeter Township Lancaster County	SCRO
NOEXSC190	No Exposure Certification	Renewal	Gate 7 LLC 1098 Armada Drive Greencastle, PA 17225-1618	Antrim Township Franklin County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSC312	No Exposure Certification	Renewal	ICP Ind 200 N Furnace Street Birdsboro, PA 19508-2062	Birdsboro Borough Berks County	SCRO
PAG030292	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Future Foam Inc. 259 Canal Road Fairless Hills, PA 19030-4305	Falls Township Bucks County	SERO
PAG032256	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	DH Manufacturing LLC 1731 Catlin Road Kingsley, PA 18826-7746	Bridgewater Township Susquehanna County	NERO
PAG032372	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Polychemie Inc. 1 Chemical Plant Road Riceboro, GA 31323-3253	Taylor Borough Lackawanna County	NERO
PAG033852	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Kellogg USA LLC 2050 State Road Lancaster, PA 17601-1821	East Hempfield Township Lancaster County	SCRO
PAG034941	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Kellanova USA LLC 1 Kellogg Square Battle Creek, MI 49017-3534	Muncy Creek Township Lycoming County	NCRO
PAG038462	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	BNZ Materials Inc. 191 Front Street Zelienople, PA 16063-1088	Zelienople Borough Butler County	NWRO
PAG038525	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	AMG Titanium Alloys & Coatings LLC 207 Frenz Drive New Castle, PA 16101-1107	New Castle City Lawrence County	NWRO
PAG038526	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	AMG Chrome US LLC 207 Frenz Drive New Castle, PA 16101-1107	Neshannock Township Lawrence County	NWRO
PAG038526	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	AMG Titanium Alloys & Coatings LLC 207 Frenz Drive New Castle, PA 16101-1107	Neshannock Township Lawrence County	NWRO
PAG038527	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Armstrong Power LLC 2313 SR 156 Shelocta, PA 15774-3005	South Bend Township Armstrong County	NWRO
PAG038530	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	New Berry Inc. 2408 Evans City Road Harmony, PA 16037-7724	Jackson Township Butler County	NWRO
PAG038533	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Buffalo & Pittsburgh RR Inc. 47849 Papermill Road Coshocton, OH 43812-9724	Butler Township Butler County	NWRO
1023411	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Conrad Kenneth 136 Wiegand Drive Cranberry Township, PA 16066-3008	Cranberry Township Butler County	NWRO
2188407	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Ward Realty Ventures Regency LLC 577 S Front Street Harrisburg, PA 17104-1660	Middlesex Township Cumberland County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
467S032	Water Quality Management Part II	Amendment	Mon Valley Sewer Authority 20 S Washington Street Donora, PA 15033	Carroll Township Washington County	SWRO

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

Northeast Regional Office

PA0062464, Sewage, SIC Code 4941, **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436. Facility Name: Blue Mountain Lake WWTP. This existing facility is located in Stroud Township, **Monroe 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), Sambo Creek, is located in State Water Plan watershed 1-E 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 0.275 MGD—Interim Limits.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.275 MGD—Final Limit.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total	0.036	0.055 Daily Max	XXX	0.016	0.024 Daily Max	0.039

The proposed effluent limits for Outfall 001 are based on a design flow of 0.275 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.10
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Nov 1 - Apr 30	45.8	XXX	XXX	20.0	XXX	40.0
May 1 - Oct 31	22.9	XXX	XXX	10.0	XXX	20.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅ Minimum % Removal (%) Min Mo Avg	85	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	68.8	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	21.8	XXX	XXX	9.5	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Ammonia-Nitrogen Nov 1 - Apr 30	13.8	XXX	XXX	6.0	XXX	12.0
May 1 - Oct 31	4.6	XXX	XXX	2.0	XXX	4.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	4.6	XXX	XXX	2.0	XXX	XXX
Zinc, Total	Report	XXX	XXX	Report	Report	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Daily Max XXX	Report

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

- Solids Management
- Water Quality-Based Effluent Limitations for Toxic Pollutants

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0254479, Sewage, SIC Code 4952, 8800, **Scott Elgin**, 1581 Fleming Road, Indiana, PA 15701-7814. Facility Name: Scott Elgin SRSTP. This existing facility is located in Armstrong Township, **Indiana 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), Cheese Run (CWF), is located in State Water Plan watershed 17-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265128, Sewage, SIC Code 4952, 8800, **Randy A Snider**, 839 Mercer Road, Greenville, PA 16125. Facility Name: Randy Snider SRSTP. This existing facility is located in Delaware Township, **Mercer County**.

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

The receiving stream is an Unnamed Tributary to Lawango Run, located in State Water Plan watershed 20-A and 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.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265233, Sewage, SIC Code 4952, 8800, **Nic Fosburg**, 1110 Old Petroleum Center Road, Titusville, PA 16354-8040. Facility Name: Nic Fosburg SRSTP. This existing facility is located in Cherrytree Township, **Venango County**.

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

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

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265501, Sewage, SIC Code 4952, 8800, **Stephanie Weisensee**, 768 Saxonburg Boulevard, Saxonburg, PA 16056-9729. Facility Name: Stephanie Weisensee SRSTP. This existing facility is located in Clinton Township, **Butler County**.

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

The receiving stream is Rocky Run, located in State Water Plan watershed 18-A and 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 .0004 MGD.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0271942, Sewage, SIC Code 4952, 8800, **Stephen Eger**, 425 Arbor Drive, Mars, PA 16046. Facility Name: Stephen Eger SRSTP. This existing facility is located at 244 Textor School Road, Zelienople, PA 16033 in Jackson Township, **Butler County**.

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

The receiving stream is an unnamed tributary to Breakneck Creek, located in State Water Plan watershed 20-C and 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 .0005 MGD.

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0292753, Sewage, SIC Code 4952, 8800, **Jody Welcheck**, 17880 Cole Road, Conneautville, PA 16406-4010. Facility Name: Country Corner Inn. This proposed facility is located in Conneaut Township, **Crawford County**.

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

The receiving stream is an Unnamed tributary to Linesville Creek, located in State Water Plan watershed 20-A and 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 .002 MGD.

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

Geo Mean

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

PA0295141, Sewage, SIC Code 8800, **Barbara & Jeffrey Lojek**, 25645 N Mosiertown Road, Edinboro, PA 16412-4149. Facility Name: Barbara & Jeffrey Lojek SRSTP. This proposed facility is located at 18780 North Mead Rd, Saegertown, PA 16433 in Hayfield Township, **Crawford County**.

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

The receiving stream(s), Unnamed Tributary to Kerns Run (WWF), is located in State Water Plan watershed 16-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.

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

PA0295191, Sewage, SIC Code 8811, **Raymond Natale**, 1820 Scrubgrass Road, Jackson Center, PA 16133-2202. Facility Name: Raymond Natale SRSTP. This proposed facility is located in Findley Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Mill Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0021237, Sewage, SIC Code 4952, **Newport Borough Municipal Authority, Perry County**, 101 Mulberry Street, Newport, PA 17074-1533. Facility Name: Newport Borough STP. This existing facility is located in Newport Borough, **Perry County**.

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

The receiving stream(s), Little Buffalo Creek (CWF, MF), is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .51 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .51 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total	0.11	0.16 Daily Max	XXX	0.026	0.037 Daily Max	0.066

The proposed effluent limits for Outfall 001 are based on a design flow of .51 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .51 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	106	170	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	128	191	XXX	30	45	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net						
Ammonia-Nitrogen	38	XXX	XXX	9.0	XXX	18
Nov 1 - Apr 30						
May 1 - Oct 31	12.0	XXX	XXX	3.0	XXX	6
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net						

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

The EPA Waiver is not in effect.

Southcentral Regional Office

Application No. PA0260053, Concentrated Animal Feeding Operation (CAFO), **Jason S Zimmerman (Jason Zimmerman Farm CAFO)**, 260 Golden Rule Drive, New Enterprise, PA 16664-8701.

Jason S Zimmerman has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Jason Zimmerman Farm CAFO, located in South Woodbury Township, **Bedford County**.

The CAFO is situated near Beaver Creek (HQ-CWF, MF) in Watershed 11-D, which is classified for High Quality, Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 518.00 animal equivalent units (AEUs) consisting of 20 Beef Finishers, 3,000 Swine Wean to Finish, and 2,000 Nursery Pigs. Liquid Swine Manure flows from swine underbarn shallow pits to an HDPE-Lined Lagoon. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

Southeast Regional Office

PA0030848, Sewage, SIC Code 8211, **Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348-1531. Facility Name: Chadds Ford Elementary School. This existing facility is located in Pennsbury Township, **Chester 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), Ring Run (WWF, MF), is located in State Water Plan watershed 3-H 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 .0063 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Weekly	
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	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1.314	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	1.576	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	2.627	XXX	XXX	50.0	XXX	100.0
Ammonia-Nitrogen	1.576	XXX	XXX	30.0	XXX	60.0
Total Phosphorus	0.525	XXX	XXX	10.0	XXX	20.0

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. Total Residual Chlorine Requirement
- F. Small Stream Discharge
- G. Notification of Designation of Operator
- H. Remedial Measures if Unsatisfactory Effluent
- I. 2/Month Sampling
- J. I-max Requirements

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

The EPA Waiver is not in effect.

Southeast Regional Office

PA0051250, Sewage, SIC Code 4952, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-1209. Facility Name: BCWSA Kings Plaza WWTP. This existing facility is located in Doylestown Township, **Bucks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.425 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	Avg Qrtly XXX	XXX	XXX	Avg Qrtly XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 0.425 MGD.—Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	88	141	XXX	25	40	50
Nov 1 - Apr 30						
May 1 - Oct 31	53	81	XXX	15	23	30
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	106	159	XXX	30	45	60
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Jun 30						
Jul 1 - Oct 31	31.9	XXX	XXX	9.0	XXX	18
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	21.2	XXX	XXX	6.0	XXX	12
Nov 1 - Apr 30						
May 1 - Oct 31	7.0	XXX	XXX	2.0	XXX	4
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	7.2	XXX	XXX	2.0	XXX	4
Nov 1 - Mar 31						
Apr 1 - Oct 31	3.6	XXX	XXX	1.0	XXX	2

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

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

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

PAI130544, MS4, **West Brandywine Township, Chester County**, 198 Lafayette Road, West Brandywine, PA 19320-1231.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in West Brandywine Township, **Chester County**. The receiving stream(s), Unnamed Tributary of West Branch Brandywine Creek, Unnamed Tributary to Beaver Creek (CWF, MF), Culbertson Run (HQ-TSF, MF), and West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for High Quality Waters—Trout Stocking, Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

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

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

Southwest Regional Office

PA0027430, Sewage, SIC Code 4952, **Westmoreland County Municipal Authority**, P.O. Box 730, Greensburg, PA 15601-0730. Facility Name: Jeannette STP. This existing facility is located in Penn Borough, **Westmoreland County**.

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

The receiving stream(s), Brush Creek (TSF), is located in State Water Plan watershed 19-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average 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	Inst Min 6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	465.0	700.0	XXX	17.0	25.5	34
Nov 1 - Apr 30		Wkly Avg			Wkly Avg	
May 1 - Oct 31	340.0	510.0	XXX	12.5	18.7	25
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	825.0	1235.0	XXX	30.0	45.0	60
		Wkly Avg			Wkly Avg	
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	81.5	XXX	XXX	2.96	XXX	5.92
Nov 1 - Apr 30						
May 1 - Oct 31	54.8	XXX	XXX	1.99	XXX	3.98
Copper, Total (ug/L)	0.37	0.57	XXX	13.3	20.6	20.6

The proposed effluent limits for Outfall 001 are based on a design flow of 3.3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Antimony, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
	Avg Qrtly			Avg Qrtly		
Cyanide, Free (ug/L)	Report	Report	XXX	Report	Report	XXX
	Avg Qrtly			Avg Qrtly		
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
	Avg Qrtly			Avg Qrtly		
Dichlorobromomethane (ug/L)	Report	Report	XXX	Report	Report	XXX
	Avg Qrtly			Avg Qrtly		
Chloroform (ug/L)	Report	Report	XXX	Report	Report	XXX
	Avg Qrtly			Avg Qrtly		

The proposed effluent limits for Outfall 001 are based on a design flow of 3.3 MGD.—Limits.

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

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

The EPA Waiver is not in effect.

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

Southwest Regional Office

Applicant: **US Army Corps of Engineers**

Applicant Address: 1000 Liberty Avenue, Pittsburgh, PA 15222

Application Number: **PAD630019**

Application Type: Renewal

Municipality/County: Carroll Township, **Washington County**

Project Site Name: Victory Hollow Offloading and Upload Placement Site

Total Earth Disturbance Area (acres): 61.2 acres

Surface Waters Receiving Stormwater Discharges: Monongahela 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: Site to be used for staging and placement of excavated river sediment and concrete rubble as part of the USACE rehabilitation of the lower portion of the Monongahela River Navigation System Project.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Duke Realty Limited Partnership**

Applicant Address: 161 Washington Street, Suite 1020, Conshohocken, PA 19428

Application Number: **PAD060065**

Application Type: New

Municipality/County: Maxatawny Township and Kutztown Borough, **Berks County**

Project Site Name: Valley Logistics Park

Total Earth Disturbance Area (acres): 248 acres

Surface Waters Receiving Stormwater Discharges: UNTs to Mill Creek (TSF, MF), Sacony Creek (TSF, MF), UNTs to Sacony Creek (TSF, MF), UNT to Sacony Creek (CWF, MF) and EV Wetlands.

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: Construct two warehouses, parking, trailer storage, public water supply well and pump house, and realignment of Hottenstein and Hilltop Road, and roadway improvements along SR 222 and SR 737. The Department of Environmental Protection (DEP) has made a tentative decision to deny the application for the Individual NPDES Permit. Interested persons may submit written comments to DEP at the previously listed address for DEP's consideration in taking a final action on the permit application. Written comments for this application and draft permit will be accepted through September 12, 2023.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **Mount Penn Borough Municipal Authority**

Applicant Address: 200 North 25th Street, Reading, PA 19606

Application Number: **PAD060087**

Application Type: New

Municipality/County: Lower Alsace Township, **Berks County**

Project Site Name: Spook Lane 1.0 MG Tank

Total Earth Disturbance Area (acres): 1.91 acres

Surface Waters Receiving Stormwater Discharges: UNT to Antietam Creek (CWF, MF) and EV Wetlands

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: Mount Penn Borough Municipal Authority proposes the replacement of their 1.0 MG water tank.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **PennDOT Engineering District 8-0**

Applicant Address: 2140 Herr Street, Harrisburg, PA 17110

Application Number: **PAD670035A-5**

Application Type: Major Amendment

Municipality/County: Manchester Township, Spring Garden Township, and Springettsbury Township, **York County**

Project Site Name: I-83 North Widening Project

Total Earth Disturbance Area (acres): 23.03 acres

Surface Waters Receiving Stormwater Discharges: UNT Codorus Creek, UNT Mill Creek, Codorus Creek, Mill Creek, Wetlands

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

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

Project Description: Major Amendment is a demolition plan for the project and to expand the limit of disturbance to include entire project

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Ravi Kanani**

Applicant Address: 1207 Clymer Lane, P.O. Box 462, Pocono Pines, PA 18350

Application Number: **PA640002D**

Application Type: New

Municipality/County: Salem Township, **Wayne County**

Project Site Name: Evergreen Self Storage

Total Earth Disturbance Area (acres): 4.0 acres

Surface Waters Receiving Stormwater Discharges: UNT to West Branch Wallenpaupack Creek (HQ-CWF, MF)

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

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

Project Description: The project involves construction of a self-storage facility, supporting infrastructure and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

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

Regional Permit Coordination Office

Applicant: **Pennsylvania Turnpike Commission**

Applicant Address: 700 S. Eisenhower Blvd, Middletown, PA 17057

Application Number: **PAD150187 A-2**

Application Type: Major Amendment

Municipality/County: West Nantmeal Township, **Chester County**

Project Site Name: Replacement of Bridge EB-704 at MP 302.81

Total Earth Disturbance Area (acres): 27.46 acres

Surface Waters Receiving Stormwater Discharges: Tributary to French Creek (EV, MF); Tributary to Marsh Creek (HQ-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: This NPDES Permit Major Amendment includes the retrofit of both infiltration basins due to high groundwater observations and low infiltration rates (supplemental tests performed in February 2023). The WB retrofitted basin is designed as a bioretention basin Managed Release Concept (MRC) BMP. The EB retrofitted basin is designed as a dry extended detention basin. As part of this permit amendment, E&S measures have been added to the Salt Shed construction area for construction anticipated to begin in the Fall of 2023. There are no changes to the stormwater management design for this area.

Special Conditions: Not Applicable

You may review the permit application file by contacting DEP's File Review Coordinator at 717-772-5987.

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.shtml> 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>
Scattered Acres Inc.—Edward Hartman 900 Galen Hall Road Reinholds, PA 17569	Lancaster County	96.3	1,306.20	Dairy	NA	Renewal
Harvest Lane Farm 910 Jake Landis Road Lititz, PA 17543	Lancaster County	240.4	323.41	Layers	NA	Renewal
Leroy & Timothy Zimmerman 327 Stackstown Road Marietta, PA 17547	Lancaster County	112.2	485.88	Swine/ Steers/ Geese	NA	Renewal

<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>
Larry Dean Martin 61 Cherry Hill Road Richland, PA 17087	Berks County	90.6	236.74	Poultry/ Broilers	NA	New
Linford Snyder—A&L Farm 3304 Mountain Road Hamburg, PA 19526	Berks County	35	509.18	Poultry	NA	Renewal
Jason Zimmerman 260 Golden Rule Drive New Enterprise, PA 16664	Bedford County	39	518	Swine/ Beef	HQ	Renewal
Leon Snyder—Misty Glen Properties LP 230 Poplar Road Fleetwood, PA 19522	Lebanon County	86.9	1,884.0	Layer	NA	Renewal
Pigeon Hill Farms, LLC 9078 Orchard Road Spring Grove, PA 17362	York County	37.5	396.98	Pullets & Finishing Steers	NA	Renewal
Drew Remley 1368 Salt Spring Road Roaring Branch, PA 17765	Tioga County	1031	1,749.66	Swine Beef	HQ	Renewal
Curtis Lehman 514 Bricker Road Bernville, PA 19506	Berks County	260.3	487.9	Poultry Broilers	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Application No. 5423503, Construction, Public Water Supply.

Applicant	Plum Creek Municipal Authority
Address	686 Bernie Drive Auburn, PA 17922
Municipality	South Manheim Township
County	Schuylkill County
Responsible Official	Jim Ridderhoff Authority Chairman Plum Creek Municipal Authority 686 Bernie Drive Auburn, PA 17922
Consulting Engineer	Jamie D. Lorah, PE Spotts, Stevens & McCoy 1047 North Park Rd. Reading, PA 19610
Application Received	July 21, 2023
Description	Applicant proposes modifications to an existing booster pumping station comprising of complete replacement with all necessary piping, controls, and electrical components.

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

Contact: Pam Yoder, Clerical Assistant 2, 814-332-6899.

Application No. WA16-1007A, Water Allocation, Public Water Supply.

Applicant **Hawthorn Redbank
Redbank Municipal Authority**
Address P.O. Box 241
Hawthorn, PA 16230
Municipality Hawthorn Borough and Redbank
Township
County **Clarion County**
Responsible Official Dave Thomas
P.O. Box 241
Hawthorn, PA 16230
Consulting Engineer Joshua G. Kalp, P.E.
The EADS Group Inc.
15392 Route 322
Clarion, PA 16214
Application Received July 24, 2023
Description Renewal of Water Allocation
Permit No. WA16-1007 to
continue to withdraw 252,000
gpd from Redbank Creek.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

Application No. 7360530, NCWSA Construction, Public Water Supply.

Applicant **Linden Coffee, LLC**
Address 2916 Old Philadelphia Pike
Bird In Hand, PA 17505
Municipality Leacock Township
County **Lancaster County**
Responsible Official Jacob Dueppengiesser
107 S Linden St
Manheim, PA 17545
Consulting Engineer Martin Water Conditioning
740 E Lincoln Avenue
Myerstown, PA 17067
Application Received July 13, 2023
Description This application is for a new
noncommunity water system.
Proposed system components
include a well, pressure tank,
filters, water softener, and
ultraviolet light disinfection
system.

Contact: Joseph M. Mattucci, Program Manager, 717-705-4708.

Application No. 0623512, Construction, Public Water Supply.

Applicant **Saucony Creek Brewing
Company**
Address 15032 Kutztown Road
Kutztown, PA 19530
Municipality Maxatawny Township

County **Berks County**
Responsible Official Kirby Powell—VP Operations
15032 Kutztown Road
Kutztown, PA 19530
Consulting Engineer James P. Cinelli, P.E.
Liberty Environmental, Inc.
505 Penn Street
Suite 400
Reading, PA 19601
Application Received July 24, 2023
Description Construction application for the
installation of a new sodium
hypochlorite disinfection system
and contact tanks to provide
4-log virus inactivation.
Application No. 3123509, Construction, Public Water
Supply
Applicant **Lake Raystown Resort**
Address 3101 Chipmunk Crossing
Entriiken, PA 16638
Municipality Lincoln Township
County **Huntingdon County**
Responsible Official Josh Patt
3101 Chipmunk Crossing
Entriiken, PA 16638
Consulting Engineer Dave Cunningham, PE
Keller Engineers
420 Allegheny Street
Hollidaysburg, PA 16648
Application Received July 26, 2023
Description Upgrades to the water treatment
plant.

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

Contact: RA-EPSWSDW@pa.gov.

Application No. 6523514, Construction, Public Water Supply.

Applicant **Latrobe Municipal Authority**
Address 104 Guerrier Road
P.O. Box 88
Latrobe, PA 15650
Municipality Derry Township
County **Westmoreland County**
Responsible Official Terri Hauser
104 Guerrier Road
P.O. Box 88
Latrobe, PA 15650
Consulting Engineer Gibson-Thomas Engineering Co.,
Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650
Application Received July 12, 2023
Description Application received and
accepted from Latrobe Municipal
Authority for repairs to a
sedimentation basin at the
Kingston Filtration Plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified individual, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following Notice(s) of Intent to Remediate.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Folta BRA 22HC on the Folta BRA Well Pad, Primary Facility ID # **865954**, 889 Vandervort Road, Laceyville, PA 18823, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. The NIR concerns remediation of soil contaminated with production water. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Review* on July 14, 2023. Application received: July 24, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

Freemansburg Avenue Hop Energy LLC Spill, Primary Facility ID # **868329**, Freemansburg Avenue and Washington Street, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. JMT Industrial & Environmental, 710 Uhler Road, Easton, PA 18040 on behalf of Hop Energy, LLC, 445 North West Street, Doylestown, PA 18902, submitted a Notice of Intent to Remediate. Soil and surface water were contaminated with diesel from a truck's saddle tank. The Notice of Intent to Remediate was published in *The Morning Call* on June 5, 2023. Application received: July 27, 2023.

Schuylkill Transportation System-Former Leeds Foundry, Primary Facility ID # **621929**, 300 Wade Road, Saint Clair, PA 17970, Saint Clair Borough, **Schuylkill County**. Michael Baker International, 100 Airside Drive, Moon Township, PA 15108 on behalf of Schuylkill County Transportation Authority, P.O. Box 67, Saint Clair, PA 17970, submitted a Notice of Intent to Remediate. Soil was contaminated with metals, PCBs, volatile organic chemicals, and semi-volatile organic chemicals from historic site operations. The Notice of Intent to Remediate was published in *Republican Herald* on July 28, 2023. Application received: July 28, 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.

21 Wood Lane, Primary Facility ID # **838152**, 21 Wood Lane, Malvern, PA 19355, East Whiteland Township, **Chester County**. Christopher J. Ward, Synergy Environmental Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of Matthew Jackson, 21 Wood Lane, Malvern, PA 19355, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with No. 2 fuel oil in soil and groundwater. The proposed future use of the property will continue a residence. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *The Daily Local News* on June 23, 2023. Application received: July 5, 2023.

PB 881 Dike Roadway Release—Point Breeze South Yard, Primary Facility ID # **856437**, 3144 Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Kevin Long, Terraphase

Engineering, Inc, 100 Canal Pointe Boulevard, Suite 110, Princeton, NJ 08540 on behalf of Ann R. Garr, Philadelphia Energy Solutions Refining and Marketing, LLC, 111 South Wacker Drive, Suite 300, Chicago, IL 60606, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with petroleum constituents in soil. The proposed future use of the property will be nonresidential for commercial/industrial use. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Inquirer Legals* on June 15, 2023. Application received: June 20, 2023.

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

Maisch Residence, Primary Facility ID # **779817**, 322 South 3rd Street, Darby, PA 19023, Colwyn Borough, **Delaware County**. David DiPascale, TTI Environmental, Inc., 1253 North Church Street, Moorestown, NJ 08057 on behalf of Laura Maisch, 322 South 3rd Street, Darby, PA 19023, submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with No. 2 fuel oil. The proposed future use of the site will be residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Delaware County Daily Times* on July 4, 2023. Application received: July 5, 2023.

1831 Frankford Avenue, Primary Facility ID # **867803**, 1831 Frankford Avenue, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Bridget Shadler, August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603 on behalf of Jason Winig, Sq Ft Acquisition, LLC, 420 Bainbridge Street, Philadelphia, PA 19147, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with PCE, arsenic and lead, which have impacted soil on the site. The proposed future use of the property will be nonresidential for various commercial uses. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Daily News Legals* on June 6, 2023. Application received: June 7, 2023.

816 Pennsylvania Avenue, Primary Facility ID # **863224**, 816 Pennsylvania Avenue, Croydon, PA 19021, Bristol Township, **Bucks County**. Alexander Ostrobrod, Union Technical Group, P.O. Box 8123, Pelham, NY 10803 on behalf of Greg Banks, Patriot Fuel Oil, LLC, P.O. Box 7128, Pennel, PA 19047, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with No. 2 fuel oil. The proposed future use of the property will be residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Bucks County Courier Times* on July 9, 2023. Application received: July 21, 2023.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

36-03217C: Charles F. Snyder Funeral Home, Inc./Willow Street, 3110 Lititz Pike, Lititz, PA 17543, West Lampeter Township, **Lancaster County**. Application received: March 24, 2023. For the installation of a human crematory at the funeral home. Potential emissions are estimated to be 2.08 tpy of PM, 1.97 tpy of NO_x, 1.63 tpy of CO, 0.95 tpy of SO_x and 0.15 tpy of VOCs. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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

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

30-00818: McElroy Green Marketing, LLC, 601 Travis St., Ste. 1900, Houston, TX 77002, Gilmore Township, **Greene County**. Application received: January 18, 2023. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 30-00818A to allow the construction, installation, and temporary operation of a mine methane flaring project located in Gilmore Township, Greene County at coordinates 39.751325, -80.376125. The facility consists of two (2) 24.65 MMBtu/hr Cimarron ECD-60 enclosed flares and one (1) 83-HP KEM Equipment, Inc. 15S-857-WHG methane exhauster engine. Potential emissions from the project are 17.4 tons of nitrogen oxides (NO_x), 11.6 tons of carbon monoxide (CO), 1.1 tons of particulate matter less than 10 microns in diameter (PM₁₀/PM_{2.5}), 0.2 ton of sulfur oxides (SO_x), 3.2 tons of volatile organic compounds (VOCs), 0.4 ton of hazardous air pollutants (HAP), less than 0.4 ton of any single HAP, and 14,136 tons of greenhouse gases (GHGs) as carbon dioxide equivalents (CO₂e), per year. The Department has determined that the proposed facility satisfies Best Available Technology ("BAT") requirements. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2 and 123.31; and Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) from 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State-Only Operating Permit in accordance with 25 Pa. Code Subchapter F. The Plan Approval Application, the Department's Air Quality Review Memorandum, and the proposed Air Quality Plan

Approval for this project are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>. A person may oppose the proposed plan approval by filing a written protest with the Department through Sheri Guerrieri, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; shguerrier@pa.gov. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00818A), and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone or email, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Sheri Guerrieri, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to shguerrier@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication.

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.

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

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

43-00339, Supreme Mfg, Inc., 327 Billy Boyd Rd., Stoneboro, PA 16153-1701, New Vernon Township, **Mercer County**. Application received: September 30, 2022. The Department intends to issue a renewal State Only Natural Minor Operating Permit for the manufacturing facility. The facility's primary emission sources include blasting, coating, machining, and welding operations. The potential emissions of the primary pollutants from the facility are as follows: 8.83 TPY VOC, 2.79 TPY NO_x, 0.38 TPY CO, 0.45 TPY PM₁₀, 0.22 TPY Mn, and 4.52 TPY combined HAPs, with the rest of the primary pollutants being less than 1 TPY; thus, the facility is a natural minor. The facility must comply with 25 Pa. Code § 129.52 or § 129.52d for control of VOC emissions from the paint booth. The other sources are subject to 40 CFR 63 Subpart XXXXXX, NESHAP for Metal Fabrication. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00349, Custom Container Valley Can, LLC, 391 Wolfland Rd, Lewisburg, PA 17837, Pymatuning Township, **Mercer County**. Application received: July 19, 2022. The Department intends to issue a renewal State Only Natural Minor Operating Permit for the facility. The facility's primary emission sources include miscellaneous natural gas combustion, a paint spray booth, and the welding and plasma cutting operation. The potential emissions of the primary pollutants from the facility are

as follows: 5.42 TPY NO_x, 0.96 TPY CO, 6.06 TPY VOC, 15.56 TPY PM₁₀ and PM_{2.5}, and 0.01 TPY SO_x; thus, the facility is a natural minor. The facility must comply with 25 Pa. Code § 129.52d for control of VOC emissions from the paint booth. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00269, American Tinning & Galvanizing Co., 552 W 12th St., Erie, PA 16501, City of Erie, **Erie County**. Application received: May 18, 2022. The Department intends to issue the renewal of the State-Only Operating Permit to a plating and galvanizing facility located in the City of Erie, Erie County. Sources at the facility are the anodizing, barrel plating, rack plating, and galvanizing departments, two small natural gas-fueled boilers, and a primer tank. The four departments, each consisting of several tanks, are subject to requirements previously established through Plan Approval 25-269A. Several tanks in the anodizing, barrel plating, and rack plating departments must comply with 40 CFR 63 Subpart WWWW pertaining to National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations. The tank performing chromium anodizing in the anodizing department must comply with 40 CFR 63 Subpart N, which pertains to National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. In this renewal, some ministerial updates are applied to 40 CFR 63 Subparts WWWW and N. To be exempt from plan approval requirements, the primer tank is subject to a 2.7 TPY VOC restriction. The primer tank will comply with 25 Pa. Code § 129.52d (Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings) as opted by the facility pursuant to (a)(3) of this section.

43-00323, Advanced Fiberglass Service, Inc., 80 Canal Street, Sharpsville, PA 16150, Sharpsville Borough, **Mercer County**. Application received: September 30, 2022. The Department intends to issue a renewal of the State Only Operating Permit for the custom fiberglass fabrication facility. The facility is a Natural Minor. The facility is located in Sharpsville Borough, Mercer County. The primary source is custom fabrication operations using a manual layup process. The facility is restricted to less than 9.9 TPY of styrene emissions based on a 12-month rolling sum. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

OP22-000008, 401 North Broad Lessee, LLC, 401 North Broad Street, Philadelphia, PA 19108, City of Philadelphia, **Philadelphia County**. Application received: February 8, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor Operating Permit (NMOP) for the operation of a data center in the City of Philadelphia, Philadelphia County. The facility's air emission sources include two (2) diesel-fired 4,000-kilowatt (kW) emergency generators with Selective Catalytic Reduction, one (1) diesel-fired 400 kW emergency, and one (1) diesel-fired 155-kW

fire pump. 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. 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 with "401 North Broad Lessee, LLC, OP22-000008" 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 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.

67-03001, Frito-Lay Inc., 3553 Gillespie Drive, York, PA 17404, West Manchester Township, **York County**. Application received: November 14, 2022. For the Frito-Lay Inc., York snack food facility. The facility's potential to emit are estimated to be 33.77 tpy CO, 56.11 tpy NO_x, 13.98 tpy PM₁₀, 0.43 tpy SO_x, and 4.42 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 25 Pa. Code § 129.63 (Degreasing operations).

31-03032, Glenn O. Hawbaker, Inc., 3503 William Penn Highway, Alexandria, PA 16611, Morris Township, **Huntingdon County**. Application received: May 1, 2023. For the operation of a limestone crushing facility at the Canoe Valley Quarry. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated to be 19.57 tpy PM₁₀. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for Federal 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

67-03151, Kenworthy Funeral Home & Crematory, Inc., Hanover Facility, 269 Frederick Street, Hanover, PA 17331, Hanover Borough, **York County**. Application received: May 24, 2023. For the operation of a Human Crematory at the facility. The crematory's PTE based on 8,760 hours of operation is 1.69 tpy CO, 2.03 tpy NO_x, 1.60 tpy PM₁₀, and < 1 tpy each of VOC, SO_x and HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, record-

keeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

07-05035, Grannas Bros. Stone & Asphalt Co., Inc., P.O. Box 488, Hollidaysburg, PA 16648, Frankstown Township, **Blair County**. Application received: December 22, 2022. For the operation of a batch asphalt plant. This is for renewal of the existing State-Only Permit. Actual 2022 emissions from the facility are estimated at 4.08 tpy NO_x, 13.61 tpy CO, 1.09 tpy VOC, 2.99 tpy SO₂, and less than 1 ton of PM₁₀ 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

31-03004, New Enterprise Stone & Lime Co., Inc., 855 Birmingham Pike, Tyrone, PA 16686, Warriors Mark Township, **Huntingdon County**. Application received: January 23, 2023. For the operation of a limestone crushing facility. This is for renewal of the existing State-Only Permit. Potential air emissions from the crushing plants are estimated at 24.87 tpy PM₁₀, and 3.46 tpy PM_{2.5}. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

38-03053, Kreamer Funeral Home & Crematory, Inc., 5 Camp Meeting Road, Jonestown, PA 17038, Union Township, **Lebanon County**. Application received: April 28, 2023. To issue a State Only Operating Permit for the crematory. The potential emissions from the crematory are estimated at 1.0 tpy of NO_x, 3.3 tpy of CO, 2.3 tpy of PM, 0.8 tpy of SO_x and 1.0 tpy of VOC. 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: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

23-00027, 3M Company—Aston, 50 Milton Dr, Aston, PA 19014, Chester Township, **Delaware County**. Application received: June 5, 2023. This action is for the renewal of State Only Operating Permit 23-00027 in Chester Township, Delaware County. The facility is a specialty dry compounder of purchased resin materials. The primary pollutant of concern is volatile organic compounds (VOC), which are controlled by a regenerative thermal oxidizer. There have been no changes to any of the permitted sources since the permit was last issued. Facility-wide VOC emissions are restricted to 10.0 tons per year, based on a 12-month rolling sum. The permit includes monitoring, recordkeeping and reporting requirements designed to address 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.

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

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

65-00914, Preform Specialties, Inc., 176 Cherry St., Blairsville, PA 15717, Derry Township, **Westmoreland County**. Application received: June 1, 2023. Preform Specialties, Inc. manufactures cemented tungsten carbide preforms (blanks) for automotive, aerospace, and wood working industries. This facility has a potential to emit 0.4 ton of NO_x per 12-consecutive month period (12-cmp), 0.2 ton/12-cmp of CO, 20.4 tons/12-cmp of VOCs, 0.9 ton/12-cmp of PM₁₀, and 0.6 ton/12-cmp of HAPs (toluene). The facility will be limited to 47.0 tons/12-cmp of VOC and 1.5 tons/12-cmp of HAPs. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for the equipment. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00914) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit. All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address

PLAN APPROVALS

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

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

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

66-00001N, The Procter and Gamble Paper Products Company, P. O. Box 32, State Route 87 South, Mehoopany, PA 18629, Washington Township, **Wyoming County**. Application received: May 31, 2023. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to The Procter and Gamble Paper Products Company (P&G) for their facility located in Washington Township, Wyoming County. Plan Approval No. 66-00001N will be incorporated into the Title V Operating Permit at a later date. Plan Approval No. 66-00001N is for the installation and operation of low nitrogen oxides (NO_x) emitting equipment on No. 1 Gas Boiler (Source ID 031), No. 2 Gas Boiler (Source ID 032A) and No. 4 Gas Boiler (Source ID 034A). The project proposes case-by-case NO_x emission limits to be used in accordance with the RACT III requirements of 25 Pa. Code §§ 129.111—129.115. The project will result in reductions of actual NO_x emissions from these sources. By installing low NO_x emitting equipment, the company will demonstrate compliance with an interim NO_x emission limit of 0.20 lb/MMBtu on a 30-operating day rolling average utilizing emissions data gathered with the continuous emission monitoring system (CEMS). Prior to one year from the date of completed installation of the low NO_x equipment, the company shall submit to PADEP a request for a permanent 30-operating day average and a daily average limit based on statistical analysis of actual data collected during the one-year period. This period of analysis is required due to seasonal fluctuations of steam demand. There are no feasible controls that would guarantee meeting the presumptive emission limit of 0.10 lb/MMBtu NO_x at loads below 15% and during startup and shutdown. The plan approval will include all appropriate monitoring, recordkeeping, and reporting requirements designed to keep the equipment operating within all applicable air quality requirements. Further details on the conditions and the reasons for their inclusion are available upon request. Copies of the applications, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and telephone number of the commentator, identification of the proposed Permit No. 66-00001N 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 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 Mr. Raymond Kempa, EEM, New Source Review Section, 2 Public Square, Wilkes-Barre, PA 18701-1915, or 570-826-2511.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

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

Coal Applications

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

Table 1

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

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 65130702. NPDES No. PA0214116. Consol Mining LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Sewickley Township, **Westmoreland County**. To renew the permit and related NPDES permit. Application received: June 8, 2023. Accepted: July 21, 2023.

Mining Permit No. 56841328. NPDES No. PA 0033677 and GP12-56841328. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Windber Boro, Paint, Adams and Richland Townships, **Somerset and Cambria Counties**. To revise the permit and related NPDES permit for additional mine opening into the Upper Freeport coal seam, affecting 1,041.0 proposed underground acres and 1,041.0 proposed subsidence control plan acres. Includes authorization for Air Quality GPA/GP12 general permit. Application received: June 22, 2023. Accepted: July 25, 2023.

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill, Morris and Washington Townships, **Greene County**. To revise the permit and related NPDES permit for installation of degas boreholes, affecting 14.9 proposed surface acres. Application received: June 15, 2023. Accepted: July 27, 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. 56980103. NPDES No. PA0234699. Wilson Creek Energy, LLC, P.O. Box 260, Friedens, PA 15541, Jenner and Lincoln Townships, **Somerset County**. NPDES Renewal for water treatment only of a bituminous surface and auger mine affecting 138 acres. Receiving streams: unnamed tributaries to Quemahoning Creek classified for the following use: CWF. Application received: June 26, 2023.

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

Contact: Tracy Norber, RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 63170102. NPDES No. PA0278254. Twilight Industries, Division of USNR, LLC, P.O. Box 310, Woodland, WA 98674, East Bethlehem Township, **Washington County**. Renewal application received for continued treatment to an existing bituminous surface mine and associated NPDES permit, affecting 75.0 acres. Receiving stream: Unnamed tributary to Ten Mile Creek; classified for the following use: WWF. Application received: July 26, 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:

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

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

precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

NPDES No. PA0598143. Mining Permit No. 56880103. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Summit Township, **Somerset County**. Renewal of an NPDES permit affecting 1,102 acres related to a coal mining activity permit. Receiving stream: unnamed tributary to/and Casselman River, classified for the following use: WWF. The receiving streams are included in the Casselman River TMDL. Application received: February 27, 2023.

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

The following outfalls discharge to unnamed tributary to/and Casselman River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
010	Existing	Treatment Facility	0.043 MGD
012	Existing	Treatment Facility	0.019 MGD
013	Existing	Treatment Facility	0.372 MGD

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

<i>Outfalls: 010 and 012</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
<i>Parameter (unit)</i>				
Total Iron (mg/L)	XXX	1.5	3.0	3.7
Total Manganese (mg/L)	XXX	1.0	2.0	2.5
Total Aluminum (mg/L)	XXX	1.3	2.6	3.2
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report
<i>Outfalls: 013</i>		<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
<i>Parameter (unit)</i>	<i>Minimum</i>			
Total Iron (mg/L)	XXX	3.0	6.0	7.0
Total Manganese (mg/L)	XXX	2.0	4.0	5.0
Total Aluminum (mg/L)	XXX	1.3	2.6	3.2
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

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

Contact: Cassie Stanton, Clerical Assistant 2.

NPDES No. PA0235504. Mining Permit No. 17131301. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Huston Township, **Clearfield County**. Application received: May 9, 2023.

Renewal of an NPDES permit for discharge of water resulting from postmining treatment of coal mine affecting 7.0 acres. Receiving stream(s): Horning Run, classified for the following use(s): CWF. This receiving stream is included in the Bennett Branch Sinnemahoning Creek Watershed TMDL.

The following outfalls discharge to Horning Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Upper Treatment System	Continuous (0.007 MGD)
002	Existing	Lower Treatment System	Continuous (0.011 MGD)

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

<i>Outfalls: 001 and 002 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	1.7	3.4	4.2
Manganese (mg/L)	1.1	2.2	2.7
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)	Report		
Flow (gpm)	Report		
Temperature (°C)	Report		
Specific Conductivity (µmhos/cm)	Report		

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

Noncoal NPDES Draft 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.

NPDES No. PA0204906. Mining Permit No. 37880304. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Slippery Rock Township, **Lawrence County**. Renewal of an NPDES permit. Application received: June 5, 2023.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	SWO	0.571
001	Existing	SWO	0.526

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

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

NPDES No. PA0227579. Mining Permit No. 37970302. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, Slippery Rock Township, **Lawrence County**. Renewal of an NPDES permit. Application received: June 5, 2023.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Slippery Rock Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	SWO	0.3
002	Existing	SWO	0.3
005	Existing	SWO	0.08
006	Existing	TFO	0.11

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				

NPDES No. PA0615218. Mining Permit No. 10813005. Amcord, Inc. c/o Three Rivers Management, Inc., 600 River Avenue, Suite 200, Pittsburgh, PA 15220, Washington Township, **Butler County.** Renewal of an NPDES permit. Application received: May 25, 2023.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Slippery Rock Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	TFO	0.107
003	Existing	TFO	0.107

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			10.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

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

Contact: Cassie Stanton, Clerical Assistant 2.

NPDES No. PA025713. Mining Permit No. 57120301. Insinger Excavating, Inc., 344 Kahni Hill Road, Dushore, PA 16814, Forks Township, **Sullivan County.** Application received: April 3, 2023.

Renewal of an NPDES permit for discharge of water resulting from surface mining of industrial minerals affecting 38.3 acres. Receiving stream(s): Unnamed Tributary to Black Creek, classified for the following use(s): CWF, MF (Designated Use), EV (Existing Use).

The following outfalls discharge to Unnamed Tributary to Black Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Sedimentation Pond A	Precipitation Induced
002	Existing	Treatment Pond B	Continuous (13.8 gpm)

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

<i>Outfalls: 001 & 002 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Iron (mg/L)	0.39	0.78	0.97
Aluminum (mg/L)	0.23	0.46	0.57
Sulfate (mg/L)	37.0	74.0	92.0
Total Dissolved Solids (mg/L)	240	480	600
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

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)).

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

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

E0306223-005. South Buffalo Township, 167 Northpointe Boulevard, Freeport, PA 16229, South Buffalo Township, **Armstrong County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 17, 2023.

To remove a portion of the existing T-372 (White Rock Road) and to construct and maintain a new section of T-372 within the floodplain of the Allegheny River; to remove the existing structure and to construct and maintain a 13'-1" (span) x 8'-4" (rise) aluminum pipe-arch culvert with a length of 45' along UNT Allegheny River; and to construct and maintain a 24" diameter HDPE stream enclosure with a length of 114.5' along UNT Allegheny River for the purpose of addressing flooding concerns along T-372 in South Buffalo Township, Armstrong County resulting in a total of 187' of permanent stream impacts, an additional 138' of temporary stream impacts, 0.07-acre of permanent wetland impacts and 0.04-acre of temporary stream impacts. Permanent wetland impacts will be mitigated by debiting from an existing wetland bank site. Latitude: 40.70508°, Longitude: -79.59647°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700, 717-705-4802.

E3103223-001. Spruce Creek Rod and Gun Club, 1108 13th Avenue, Altoona, PA 16603-0429, Franklin Township, **Huntingdon County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 1, 2023.

To 1) construct and improve 7,455 linear feet of pedestrian trail by widening the trail to 6 feet; The trail will cross Unnamed Tributaries to Spruce Creek (HQ-CWF, MF) in four locations that will be bridged each with 18-inch diameter pipes at 8 feet in length, each with associated wetland impacts; 2) construct and maintain two (2) channel blocks in a side channel of Spruce Creek (HQ-CWF, MF), and 3) to maintain a 12 feet wide by 48 feet long existing ford crossing. These total impacts proposed consist of 0.022 acre of permanent watercourse impacts, 0.063 acre of permanent floodway impacts, and 0.037 acre of permanent wetland impacts. The project is located in Franklin Township, Huntingdon County (Latitude: 40.6626°N; Longitude: -78.0521°W).

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

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

E4601223-020. BT Philmont, LP, 200 Dryden Road, Suite 2000, Dresher, PA 19025, Lower Moreland Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: April 18, 2023.

To relocate and maintain about 1,800-foot stream channel section of UNT to the Huntingdon Valley Creek (TSF-MF) associated with the new multimodal commercial building and the parking lot. The project will include modification to the stormwater facility and the construction of two outfall structures. The site is located at about 500 feet southeast of Philmont Avenue and Tomlinson Road (Frankford, PA USGS Quadrangles) in Lower Merion Township, Montgomery County. Latitude: 40.123493°, Longitude: -75.040007°.

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

Contact: D. J. Stevenson, 412-442-4281.

E6507223-003. Hyperion Midstream, LLC, 501 Technology Drive, Canonsburg, PA 15317, Upper Burrell Township, and Washington Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: February 28, 2023. Latitude: 40.505160°, Longitude: -79.607375°.

The project proposes to install approximately 8.5 miles of one (1) 30-inch steel natural gas pipeline and one (1) 16-inch permanent waterline between the existing Rogers Compression Station and the existing Athena Well Pad.

A portion of the project will drain into a section of Beaver Run designated as a naturally reproducing trout stream which is, therefore, a wild trout stream. Wetlands located on the floodplain of a wild trout stream are of Exceptional Value (EV). A portion of the project drains into the Beaver Run; wetlands located on the along a public drinking water supply that maintain the quality or quantity of the drinking water supply are also of Exceptional Value (EV). Portions of the project drain into High-Quality (HQ) watersheds. Impacts to EV Wetland and HQ streams are proposed for the project.

Temporary and/or permanent impacts to 26 wetlands and 25 streams are proposed for the project due to one or more of the following work activities: excavation, construction access, geohazard mitigation, timber mats, and erosion and sedimentation controls. Impacts to EV Wetland and HQ streams are proposed for the project.

Approximately 8,927 ft² (0.205 acre) of permanent impacts and 1,820 ft² (0.042 acre) of temporary impacts to EV wetlands are proposed for authorization under this Joint Permit Application. All other wetland, stream, and floodway impacts are proposed to be registered under General Permit numbers GP036507223-002, GP056507223-013, and GP086507223-020. Proposed EV wetland impacts are as follows:

<i>Resource</i>	<i>Wetland Classification</i>	<i>Work Activity</i>	<i>Coordinates</i>	<i>Permanent (ft²)</i>	<i>Temporary (ft²)</i>
Wetland 18C	PEM	Excavation/Timber Mat	40.515787 -79.611559	136	8
Wetland 13C	PEM	Excavation/Timber Mat	40.509733 -79.607166	900	264
Wetland 15D	PEM	Excavation/Construction Access	40.507154 -79.607689	132	132
Wetland 12A	PEM	Excavation/Timber Mat	40.501482 -79.608230	4,988	300
Wetland 11A	PEM	Excavation/Timber Mat	40.494014 -79.610409	1,037	240
Wetland 11B	PEM	Excavation/Construction Access	40.494014 -79.610409	176	176
Wetland 11C	PEM	Excavation/Construction Access	40.494014 -79.610409	180	180
Wetland 34C	PEM	Excavation/Timber Mat	40.488700 -79.610996	660	8
Wetland 34C	PSS	Excavation/Timber Mat	40.488700 -79.610996	629	312
Wetland 34B	PEM	Excavation/Construction Access	40.488700 -79.610996	98	98
Wetland 1	PEM	Timber Mat	40.470683 -79.598314		180

E6507223-012. Hyperion Midstream, LLC, 501 Technology Drive, Canonsburg, PA 15317, Municipality of Murrysville, Salem Township, Washington Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 11, 2023. Latitude: 40.431037°, Longitude: -79.563944°.

The project proposes to install approximately 8.4 miles of one (1) 30-inch steel natural gas pipeline and one (1) 16-inch HDPE freshwater pipeline between the existing Athena Well Pad and the proposed Odyssey Interconnect Site.

A portion of the project will drain into a section of Beaver Run designated as a naturally reproducing trout stream which is, therefore, a wild trout stream. Wetlands located on the floodplain of a wild trout stream or its tributaries are of Exceptional Value (EV). A portion of the project drains into the Beaver Run Reservoir; wetlands located on the along a public drinking water supply that maintain the quality or quantity of the drinking water supply are also of Exceptional Value (EV). Portions of the project drain into High-Quality (HQ) and Trout Stocked Fishery (TSF) watersheds. Impacts to EV Wetland and HQ streams are proposed for the project.

Temporary and/or permanent impacts to 18 wetlands and 11 streams are proposed for the project due to one or more of the following work activities: excavation, construction access, timber mats, riprap, temporary concrete pier support for timber mat, and Flex MSE installation. Impacts to EV Wetland and HQ streams are proposed for the project.

Approximately 5,876 ft² (0.13 acre) of permanent impacts and 4,544 ft² (0.10 acre) of temporary impacts to EV wetlands are proposed for authorization under this Joint Permit Application. Approximately 15,800 ft² (0.36 acre) of permanent impacts and 1,128 ft² (0.03 acre) of temporary impacts to Beaver Run are proposed for authorization under this Joint Permit Application. All other wetland, stream, and floodway impacts are proposed to be registered under General Permit numbers GP036507223-003, GP056507223-014, and GP086507223-021. Proposed EV wetland and Beaver Run impacts are as follows:

<i>Resource</i>	<i>Wetland Classification</i>	<i>Stream Classification</i>	<i>Work Activity</i>	<i>Coordinates</i>	<i>Permanent (ft²)</i>	<i>Temporary (ft²)</i>
Wetland 1	PEM	N/A	Timber Mat	40.45978 -79.604838		450
Wetland 6A	PEM	N/A	Excavation, Timber Mat	40.43882 -79.58229	700	567
Wetland 6A	PSS	N/A	Excavation, Timber Mat	40.43882 -79.58229	1,029	990
Wetland 15	PEM	N/A	Excavation, Timber Mat	40.42900	704	360
Wetland 14	PSS	N/A	Excavation, Timber Mat	40.42900 -79.55722	920	260
Wetland 13A	PEM	N/A	Excavation, Timber Mat	40.42604 -79.55286	875	1,089

Resource	Wetland Classification	Stream Classification	Work Activity	Coordinates	Permanent (ft ²)	Temporary (ft ²)
Wetland 16A	PEM	N/A	Excavation, Timber Mat	40.42575 -79.55194	828	828
Wetland 19D	PEM	N/A	Excavation	40.41100 -79.53898	624	
Wetland 20A	PEM	N/A	Excavation	40.41028 -79.53754	168	
Wetland 23A	PSS	N/A	Excavation	40.40863 -79.52672	28	
Beaver Run	N/A	HQ, TSF	Excavation	40.42583 -79.55252	5,700	
Beaver Run Floodway	N/A	HQ, TSF	Excavation	40.42583 -79.55252	10,100	
Beaver Run	N/A	HQ, TSF	Timber Mat, Temporary Concrete Pier	40.42576 -79.55256		768
Beaver Run Floodway	N/A	HQ, TSF	Timber Mat, Temporary Concrete Pier	40.42576 -79.55256		360

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.

Contact: Josh Fair, Water Program Specialist, 717-772-5988.

EA09-018CO. Simon and Debbie Oneill, 1076 Deer Run Road, Ottsville, PA 18942, Berks County, U.S. Army Corps of Engineers Philadelphia District. Application received: July 14, 2023.

Applicant proposes to construct a non-jurisdictional dam across a tributary to Mink Run (CWF, MF). The dam will inundate approximately 355 feet of the tributary; no wetlands will be impacted (Bedminster, PA Quadrangle; Latitude: 40.4507, Longitude: -75.1796) in Berks County Township, Berks County

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

EA3306223-001. PA DCNR Bureau of State Parks, RCSOB 400 Market Street, P.O. Box 8551, Harrisburg, PA 17105, Berks County, U.S. Army Corps of Engineers Pittsburgh District. Application received: July 20, 2023.

PA DCNR proposes restore approximately 1,600 linear feet of the west bank of the Clarion River located in Clear Creek State Park. Work will include the placement of boulders, root wads, toe wood, brush lifts, and riparian plantings. The project is located 1.47 west of the intersection of Clear Creek Road and the intersection with SR 949. Latitude: 41.328368°, Longitude: -79.103808°.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dept. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dept of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0266442	CAFO Individual NPDES Permit	Issued	Bower Logan M 2675 Conococheague Road Blain, PA 17006-6229	Jackson Township Perry County	SCRO
PA550001D	Chapter 102 Individual NPDES Permit	Issued	New Leaf Energy Inc. 55 Technology Drive Suite 102 Lowell, MA 01851	Spring Township Snyder County	NCRO
PAD060069	Chapter 102 Individual NPDES Permit	Issued	CF Development Penn LLC 127 Washington Avenue West Bldg Lower Level North Haven, CT 06473-1715	Jefferson Township Berks County	SCRO
PAD060079	Chapter 102 Individual NPDES Permit	Issued	Squire Hill LLC 30 Little Swatara Church Road Richland, PA 17087-9610	Womelsdorf Borough Berks County	SCRO
PAD210018	Chapter 102 Individual NPDES Permit	Issued	Landmark Homes 1767 W Main Street Ephrata, PA 17522-1101	Mechanicsburg Borough Cumberland County	SCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD480055	Chapter 102 Individual NPDES Permit	Issued	Wind Drift Development 693 Clearfield Road Nazareth, PA 18064-9459	Bethlehem Township Northampton County	NERO
PAD600010	Chapter 102 Individual NPDES Permit	Issued	Custom Barns Inc. 462 King Street Northumberland, PA 17857-1526	White Deer Township Union County	NCRO
PA0056472	Industrial Stormwater Individual NPDES Permit	Issued	Beyond Meat Inc. 312 Devault Lane P.O. Box 587 Devault, PA 19432	Charlestown Township Chester County	SERO
PAS238302	Industrial Stormwater Individual NPDES Permit	Issued	Matheson Tri Gas Inc. 1700 Scepter Road Waverly, TN 37185-3253	Saint Marys City Elk County	NWRO
0913854	Joint DEP/PFBC Pesticides Permit	Issued	Backhus Kevin 2985 Comfort Road New Hope, PA 18938-5621	Solebury Township Bucks County	SERO
0913866	Joint DEP/PFBC Pesticides Permit	Issued	Dean Patrick 72 Sweetbriar Road Perkasie, PA 18944-3807	Bedminster Township Bucks County	SERO
0918808	Joint DEP/PFBC Pesticides Permit	Issued	Oakmont at Makefield 975 Easton Road Suite 102 Warrington, PA 18976-1858	Lower Makefield Township Bucks County	SERO
1023820	Joint DEP/PFBC Pesticides Permit	Issued	Daniel Steighner 656 Pattison Street Ext Evans City, PA 16033-3318	Jackson Township Butler County	NWRO
1523830	Joint DEP/PFBC Pesticides Permit	Issued	Great Marsh Institution 34 Moores Road Elverson, PA 19520-8709	East Nantmeal Township Chester County	SERO
2023803	Joint DEP/PFBC Pesticides Permit	Issued	Mitchell Lake MHP 26441 Park Drive Cambridge Springs, PA 16403-2973	Cambridge Township Crawford County	NWRO
2521801	Joint DEP/PFBC Pesticides Permit	Issued	Andy Roth 6338 Stonebrook Drive Fairview, PA 16415-3504	Millcreek Township Erie County	NWRO
4323805	Joint DEP/PFBC Pesticides Permit	Issued	Melissa Guillard 403 Airport Road Grove City, PA 16127-6353	Pine Township Mercer County	NWRO
1587416	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Longwood Gardens Inc. P.O. Box 501 Route 1 Kennett Square, PA 19348-0501	East Marlborough Township Chester County	SERO
PA0000507	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Synthomer Jefferson Hills LLC P.O. Box 545 Elizabeth, PA 15088-0545	Jefferson Hills Borough Allegheny County	SWRO
0274215	Major Industrial Waste Treatment Facility Individual WQM Permit	Issued	Synthomer Jefferson Hills LLC P.O. Box 545 Elizabeth, PA 15088-0545	Jefferson Hills Borough Allegheny County	SWRO
0464I23	Major Industrial Waste Treatment Facility Individual WQM Permit	Issued	Synthomer Jefferson Hills LLC P.O. Box 545 Elizabeth, PA 15088-0545	Jefferson Hills Borough Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0022535	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Millersburg Area Authority Dauphin County 101 West Street Millersburg, PA 17061-1363	Millersburg Borough Dauphin County	SCRO
0215402	Major Sewage Treatment Facility Individual WQM Permit	Issued	Bethel Park Municipal Authority 3100 Piney Fork Road South Park, PA 15219	Bethel Park Borough Allegheny County	SWRO
PA0010375	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Lehigh White Cement Co. LLC 1601 Forum Place Suite 1110 West Palm Beach, FL 33401-8104	West Manchester Township York County	SCRO
PA0244252	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Southco Inc. 210 North Brinton Lake Road Concordville, PA 19331	Concord Township Delaware County	SERO
PA0029947	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Southern Huntingdon County School District 10339 Pogue Road Three Springs, PA 17264-8537	Clay Township Huntingdon County	SCRO
PA0036790	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Paradise MHP Inc. 4007 Dean Martin Drive Las Vegas, NV 89103-4137	Wheatfield Township Perry County	SCRO
PA0050598	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Bethel Baptist Church 754 East Rockhill Road Sellersville, PA 18960	East Rockhill Township Bucks County	SERO
PA0051306	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Camp Green Lane/ Green Lane Operating Company 249 Camp Green Lane Road Green Lane, PA 18054-2306	Salford Township Montgomery County	SERO
PA0080730	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	West Perry School District 2606 Shermans Valley Road Elliottsburg, PA 17024-9132	Blain Borough Perry County	SCRO
PA0083836	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Pine Run Management LLC 2846 Main Street Suite 12A Morgantown, PA 19543-0677	Hamilton Township Adams County	SCRO
PA0084034	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	West Perry School District 2606 Shermans Valley Road Elliottsburg, PA 17024-9132	Carroll Township Perry County	SCRO
PA0087131	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517-8946	Brecknock Township Lancaster County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0266663	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Gettysburg Battlefield Resort 1960 Emmitsburg Road Gettysburg, PA 17325-7196	Cumberland Township Adams County	SCRO
PA0032051	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Granville Township Mifflin County 100 Helen Street Lewistown, PA 17044-2437	Granville Township Mifflin County	SCRO
PA0082368	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Abbottstown Paradise Joint Sewer Authority P.O. Box 505 Abbottstown, PA 17301-0505	Hamilton Township Adams County	SCRO
PA0086185	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Washington Township Sewer Authority 185 Manors Road Elizabethville, PA 17023-8733	Washington Township Dauphin County	SCRO
PA0103471	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Shenango Township Municipal Authority 155 Campground Road P.O. Box 266 West Middlesex, PA 16159-2803	Shenango Township Mercer County	NWRO
NOEXSW202	No Exposure Certification	Issued	Synthomer Jefferson Hills LLC P.O. Box 545 State Highway 837 West Elizabeth, PA 15088-0545	Jefferson Hills Borough Allegheny County	SWRO
PAG030045	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Consolidated Rail Corp 330 Fellowship Road Mount Laurel, NJ 08054-1207	Falls Township Bucks County	SERO
PAG030095	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kingsbury Inc. 455 W Waukau Avenue Oshkosh, WI 54902-7106	Philadelphia City Philadelphia County	SERO
PAG030096	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Oldcastle Lawn & Garden Inc. 500 East Pumping Station Road Quakertown, PA 18951	Richland Township Bucks County	SERO
PAG030118	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108	Plymouth Township Montgomery County	SERO
PAG030120	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108-0842	East Norriton Township Montgomery County	SERO
PAG030222	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	3M Co. 50 Milton Drive Aston, PA 19014-2217	Chester Township Delaware County	SERO
PAG030291	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mac Machine LLC d/b/a Mac Hydraulics 4901 Chester Creek Road Brookhaven, PA 19015-1520	Brookhaven Borough Delaware County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033670	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Freedom Equipment Inc. 4400 Gettysburg Road Camp Hill, PA 17011-6631	Newberry Township York County	SCRO
PAG033676	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Petrochoice LLC 640 Freedom Business Center Drive King of Prussia, PA 19406-1332	Broad Top Township Bedford County	SCRO
PAG033683	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Acco Brands USA 949 Main Street Alexandria, PA 16611-2821	Porter Township Huntingdon County	SCRO
PAG033684	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	American Hydro Corp P.O. Box 3628 York, PA 17402-0136	Hellam Township York County	SCRO
PAG033717	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Post Precision Castings Inc. 21 Walnut Street P.O. Box A Strausstown, PA 19559	Upper Tulpehocken Township Berks County	SCRO
PAG033987	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	FM Browns Sons Inc. 205 Woodrow Avenue P.O. Box 2116 Sinking Spring, PA 19608-1402	Sinking Spring Borough Berks County	SCRO
PAG034875	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	River Hill Coal Co. Inc. P.O. Box 141 Kylertown, PA 16847-0141	Karthaus Township Clearfield County	NCRO
PAG034907	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Savage Service Corp 650 Rail Terminal Drive Dubois, PA 15801-3931	Sandy Township Clearfield County	NCRO
PAG036290	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	5D FLD Service LLC 3866 Millers Run Road McDonald, PA 15057-2814	Cecil Township Washington County	SWRO
PAG036315	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	RI Lampus Co. P.O. Box 167 816 R I Lampus Avenue Springdale, PA 15144-0167	Springdale Borough Allegheny County	SWRO
PAG036316	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	RI Lampus Co. P.O. Box 167 816 R I Lampus Avenue Springdale, PA 15144-0167	Springdale Borough Allegheny County	SWRO
PAG036348	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Rinker Materials 2000 Gregg Station Road Oakdale, PA 15071-3059	North Fayette Township Allegheny County	SWRO
PAG036430	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Gallatin Fuels Inc. 250 W Main Street Uniontown, PA 15401-5513	Springhill Township Fayette County	SWRO
PAG036541	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Keystone Recycling Solutions LLC 2200 PA 130 Latrobe, PA 15650	Quemahoning Township Somerset County	SWRO
PAG040066	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Novak Greg 210 Lonely Road Sellersville, PA 18960-1324	West Rockhill Township Bucks County	SERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG043635	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	McKeown Charles 1879 Friedensburg Road Reading, PA 19606-9346	Alsace Township Berks County	SCRO
PAG045273	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Sherry Dorothy A 3196 S Eagle Valley Road Julian, PA 16844-9018	Union Township Centre County	NCRO
PAG066118	PAG-06 NPDES General Permit for Combined Sewer Systems	Issued	Turtle Creek Borough 125 Monroeville Avenue Turtle Creek, PA 15145-1862	Turtle Creek Borough Allegheny County	SWRO
3623402	Pump Stations Individual WQM Permit	Issued	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603-4007	Manor Township Lancaster County	SCRO
3822402	Pump Stations Individual WQM Permit	Issued	North Cornwall Township 320 South 18th Street Lebanon, PA 17402	North Cornwall Township Lebanon County	SCRO
6510402	Pump Stations Individual WQM Permit	Issued	Mon Valley Sewer Authority 20 S Washington Street Donora, PA 15033-1394	Carroll Township Washington County	SWRO
PA0265101	Single Residence STP Individual NPDES Permit	Issued	Moats David M 19304 Cole Road Conneautville, PA 16406-4040	Conneaut Township Crawford County	NWRO
PA0266396	Single Residence STP Individual NPDES Permit	Issued	Riddell Scot D and Colleen E 2992 Dublin Mills Road Hustontown, PA 17229-9120	Taylor Township Fulton County	SCRO
PA0266612	Single Residence STP Individual NPDES Permit	Issued	Myers William J 760 Pisgah State Road Shermansdale, PA 17090-8730	Carroll Township Perry County	SCRO
PA0266612	Single Residence STP Individual NPDES Permit	Issued	Sebastian and Abigail Charles 760 Pisgah State Road Shermansdale, PA 17090-8730	Carroll Township Perry County	SCRO
PA0266655	Single Residence STP Individual NPDES Permit	Issued	Harris Daniel N and Harris Ida F 1067 Lovely Road Alum Bank, PA 15521	Lincoln Township Bedford County	SCRO
PA0267431	Single Residence STP Individual NPDES Permit	Issued	Direnzo Michael S 276 Coleman Road Gettysburg, PA 17325-8285	Straban Township Adams County	SCRO
PA0292796	Single Residence STP Individual NPDES Permit	Issued	Miller Joseph L 438 Mahood Road Butler, PA 16001	Harmony Township Forest County	NWRO
PA0292885	Single Residence STP Individual NPDES Permit	Issued	Puglisi Anthony 223 Woodhawk Lane Butler, PA 16001-8395	Oakland Township Butler County	NWRO
PA0293032	Single Residence STP Individual NPDES Permit	Issued	Mague Haylee 2015 Miller Hill Road Warren, PA 16365-8854	Farmington Township Warren County	NWRO
PA0293181	Single Residence STP Individual NPDES Permit	Issued	Kathryn and Peter Barry 11154 Eureka Road Edinboro, PA 16412-3726	Franklin Township Erie County	NWRO
PA0293199	Single Residence STP Individual NPDES Permit	Issued	Perrine Ruth 21163 Fisher Road Meadville, PA 16335-5303	Woodcock Township Crawford County	NWRO
PA0293202	Single Residence STP Individual NPDES Permit	Issued	Caligiuri Stephen 8 Sunnybrook Drive New Castle, PA 16105-1834	Neshannock Township Lawrence County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0293237	Single Residence STP Individual NPDES Permit	Issued	Ustik Gary 96 N Crescent Drive Hermitage, PA 16148-1744	Delaware Township Mercer County	NWRO
PA0293253	Single Residence STP Individual NPDES Permit	Issued	Watson Shawn T 754 Squaw Valley Road Emlenton, PA 16373-2706	Scrubgrass Township Venango County	NWRO
PA0293300	Single Residence STP Individual NPDES Permit	Issued	Bowman Steven 1211 Blue Sky Drive New Castle, PA 16105-4741	Neshannock Township Lawrence County	NWRO
0121401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Direnzo Michael S 276 Coleman Road Gettysburg, PA 17325-8285	Straban Township Adams County	SCRO
0691409	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	McKeown Charles 1879 Friedensburg Road Reading, PA 19606-9346	Alsace Township Berks County	SCRO
0907402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Novak Greg 210 Lonely Road Sellersville, PA 18960-1324	West Rockhill Township Bucks County	SERO
1023401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Puglisi Anthony 223 Woodhawk Lane Butler, PA 16001-8395	Oakland Township Butler County	NWRO
1411401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Sherry Dorothy A 3196 S Eagle Valley Road Julian, PA 16844-9018	Union Township Centre County	NCRO
2017401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Moats David M 19304 Cole Road Conneautville, PA 16406-4040	Conneaut Township Crawford County	NWRO
2023402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Perrine Ruth 21163 Fisher Road Meadville, PA 16335-5303	Woodcock Township Crawford County	NWRO
2523413	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Kathryn and Peter Barry 11154 Eureka Road Edinboro, PA 16412-3726	Franklin Township Erie County	NWRO
2722402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Miller Joseph L 438 Mahood Road Butler, PA 16001	Harmony Township Forest County	NWRO
3723403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Caligiuri Stephen 8 Sunnybrook Drive New Castle, PA 16105-1834	Neshannock Township Lawrence County	NWRO
3723406	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Bowman Steven 1211 Blue Sky Drive New Castle, PA 16105-4741	Neshannock Township Lawrence County	NWRO
4323410	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Ustik Gary 96 N Crescent Drive Hermitage, PA 16148-1744	Delaware Township Mercer County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5017401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Myers William J 760 Pisgah State Road Shermansdale, PA 17090-8730	Carroll Township Perry County	SCRO
5017401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Sebastian and Abigail Charles 760 Pisgah State Road Shermansdale, PA 17090-8730	Carroll Township Perry County	SCRO
6123401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Watson Shawn T 754 Squaw Valley Road Emlenton, PA 16373-2706	Scrubgrass Township Venango County	NWRO
6223401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Mague Haylee 2015 Miller Hill Road Warren, PA 16365-8854	Farmington Township Warren County	NWRO
PA0221881	Small Flow Treatment Facility Individual NPDES Permit	Issued	Mountain Laurel Rentals LLC 228 Bend Hill Road Fredonia, PA 16124-1902	Delaware Township Mercer County	NWRO
PA0221988	Small Flow Treatment Facility Individual NPDES Permit	Issued	North Mem Animal Hospital Inc. 143 State Route 18 New Wilmington, PA 16142-3713	Wilmington Township Lawrence County	NWRO
4395408	Small Flow Treatment Facility Individual WQM Permit	Issued	Mountain Laurel Rentals LLC 228 Bend Hill Road Fredonia, PA 16124-1902	Delaware Township Mercer County	NWRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC540129	PAG-02 General Permit	Issued	Forino Co., LP Attn: John G. Smith 555 Mountain Home Rd. Sinking Spring, PA 19608-9395	West Brunswick Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742 RA-EPWW-NERO@pa.gov
PAC090090	PAG-02 General Permit	Issued	Doylestown Township 425 Wells Road Doylestown, PA 18901	Doylestown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@pa.gov
PAC090591	PAG-02 General Permit	Issued	Simon and Debbie O'Neill 1076 Deer Run Road Ottsville, PA 18942-1530	Bedminster Township Bucks County	Bucks County Conservation District 1456 Ferry Road Suite 704 Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090595	PAG-02 General Permit	Issued	1566, LLC 1761 Yardley-Langhorne Road Yardley, PA 19067-5506	Lower Makefield Township Bucks County	Bucks County Conservation District 1456 Ferry Road Suite 704 Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC100304	PAG-02 General Permit	Issued	Peoples Natural Gas Company LLC 375 North Shore Drive Pittsburgh, PA 15212	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100306	PAG-02 General Permit	Issued	PA DOT District 10 2550 Oakland Avenue Indiana, PA 15701	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250067A1	PAG-02 General Permit	Issued	Lovett's Mobile Home Park 49 Lisa Lane Edinboro, PA 16412	Washington Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250094A1	PAG-02 General Permit	Issued	PLP VI 2906 Cooperleaf Drive Erie, PA 16509	Summit Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC320005C	PAG-02 General Permit	Issued	Scott Rounsley 541 Shawna Road Northern Cambria, PA 15714	Green Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751
PAC430091	PAG-02 General Permit	Issued	St Pauls Senior Living Community 339 East Jamestown Road Greenville, PA 16125	West Salem Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC200092A1	PAG-02 General Permit	Issued	National Fuel Gas Distribution Corporation 1100 State Street Erie, PA 16501	Sadsbury Township Vernon Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC010235	PAG-02 General Permit	Issued	Robert Adams P.O. Box 4835 Gettysburg, PA 17325	Liberty Township Highland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 100 Gettysburg, PA 17325 717-334-0636
PAC010029A-5	PAG-02 General Permit	Issued	Woodhaven Building & Development Inc 4175 Hanover Pike Manchester, MD 21102	Cumberland 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 & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360045A-2	PAG-02 General Permit	Issued	Lancaster Laboratories Inc. 2425 New Holland Pike Lancaster, PA 1760	Upper Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC360800	PAG-02 General Permit	Issued	Willow Valley Associates Inc. 200 Willow Valley Square Lancaster, PA 17602	West Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5
PAC670057A-1	PAG-02 General Permit	Issued	Gary Reihart 150 Ore Bank Road Dillsburg, PA 17019	Carroll Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670306A-1	PAG-02 General Permit	Issued	3625 Mia Brae LP P.O. Boc 1627 York, PA 17405	West Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC110107	PAG-02 General Permit	Issued	Clearfield Creek Watershed Association 160 Big Bear Ln Ashville, PA 16613	Dean Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 240 Ebensburg, PA 15931 814-472-2120 SWRO
PAC040135	PAG-02 General Permit	Issued	Versatex Building Products 400 Steel Steet Aliquippa, PA 15001	City of Aliquippa Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701 SWRO

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>
Neil L Martin 749 Bloody Spring Road Bethel, PA 19507	Berks County	109.7	387.41	Poultry	NA	Approved
Leonard Hoover— LenRose Farm 6188 Old Route 22 Bernville, PA 19506	Berks County	214.4	369.7	Poultry	NA	Approved
Elvin Martin 980 Little Mountain Road Myerstown, PA 17067	Berks County	140	343.74	Swine/ Beef	NA	Approved
Glendon Nolt 222 Long Road Lenhartsville, PA 19534	Berks County	15.3	115.08	Ducks	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: Nadera Bair, Clerk II, 570-327-0551.

Construction Permit No. 1423503MA, Minor Amendment, Public Water Supply.

Applicant	College Township Water Authority
Address	1481 East College Avenue State College, PA 16801
Municipality	College Township
County	Centre County
Consulting Engineer	Jeremiah Northridge 1481 East College Avenue College Township, PA 16801
Application Received	May 4, 2023
Permit Issued	July 31, 2023
Description	This permit authorizes maintenance and repair of the existing Struble Finished Water Storage Tank.

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

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

Operation Permit No. 3390024, Public Water Supply.

Applicant	Lehigh County Authority
Address	1300 Martin Luther King Drive Allentown, PA 18102
Municipality	City of Allentown
County	Lehigh County
Consulting Engineer	Jason G. Saylor, P.E. Utility Services Company, Inc. 1230 Peachtree St. NE Suite 1100 Atlanta, GA 30309

Application Received June 28, 2023
 Permit Issued July 18, 2023
 Description Installation of 4 mixers in 30 MG South Mountain Reservoir located at 2500 South 10th Street in Allentown.

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

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

Bottled Vended Bulk Retail Permit No. 7366413, Public Water Supply.

Applicant **H₂O to Go, Inc.**
 Address 12 East Elizabeth Street
 Maytown, PA 17550
 Municipality Sadsbury Township and
 Newberry Township
 County **Lancaster County** and
York County
 Consulting Engineer Rettew Associates, Inc.
 3020 Columbia Avenue
 Lancaster, PA 17603

Application Received March 31, 2023
 Permit Issued July 28, 2023
 Description Transfer of all public water supply permits for Simply Water (PWS ID No. 7366560) to H₂O to Go, Inc.

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

Contact: Nadera Bair, Clerk II, 570-327-0551.

Operation Permit 1822502MA. PWSID No. **4180064.** **Rote Mutual Water Association,** P.O. Box 213, Mill Hall, PA 17751, Lamar Township, **Clinton County.** Application received: July 26, 2023. Permit Issued: July 26, 2023. This permit is for the operation of the contact tank discharge line that was rerouted directly to the finished water storage tank (after removing the bypass line around the contact tank), activation of required alarm and shutdowns, and 1.0-Log Giardia Inactivation Designation at the Rote Filtration Plant.

Operation Permit 4723501. PWSID No. **4470806.** **Pennsylvania Department of Transportation,** 400 North Street, 6th Floor, Harrisburg, PA 17105, Liberty Township, **Montour County.** Application received: June 5, 2023. Permit Issued: July 31, 2023. This permit approves replacement of the underground treatment vault with a new above ground treatment building, including Greensand Plus filtration for iron and manganese removal, disinfection, detention time, booster pump station, and finished water storage at PennDOT Interstate 80 Stop 36 Westbound.

Operation Permit 4918502MA. PWSID No. **4490024.** **Aqua Pennsylvania Inc.—Roaring Creek Division,** 762 West Lancaster Avenue, Bryn Mawr, PA 19010, Conyngham Township, **Columbia County.** Application

received: July 21, 2023. Permit Issued: August 1, 2023. This permit authorizes the water system to operate approximately 9,000 LF of 12" ductile iron transmission main from Brush Valley Well Station to a 2-million-gallon water storage tank in Aristes, PA to replace the existing cast iron transmission main.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

NCWSA Operation Permit 3060344. PWSID No. **3060344.** **Union Township Office Building,** 1445 East Main Street, Douglassville, PA 19518, Union Township, **Berks County.** Application received: July 19, 2023. Permit Issued: July 28, 2023. This action approves operation of the Union Township Office Building public water system following reordering of treatment components and installation of a new chlorine feed pump.

Construction Permit 0623505 MA. PWSID No. **3060066.** **Western Berks Water Authority,** 91 Water Road, Sinking Spring, PA 19608, Lower Heidelberg Township, **Berks County.** Application received: March 16, 2023. Permit Issued: July 28, 2023. This action approves the replacement of hydrofluorosilicic acid and potassium hydroxide day tanks.

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

NCWSA Construction Permit 7670890. PWSID No. 7670890. Guy Shelly American Legion Post 974, 352 March Run Road, New Cumberland, PA 17070, Fairview Township, **York County.** Application received: February 13, 2023. Permit Issued: July 28, 2023. Construction permit for a new softening system.

Operation Permit 0622525. PWSID No. **3061249.** **Giorgi Mushroom Farm 1,** 1161 Park Road, Temple, PA 19510, Maidencreek Township, **Berks County.** Application received: June 26, 2023. Permit Issued: July 28, 2023. Reissued operation permit for the nitrate treatment.

Operation Permit 3066589. PWSID No. **3066589.** **Crossroads Beverage Group, LLC,** 1055 Crossroads Blvd, Reading, PA 19605, Muhlenberg Township, **Berks County.** Application received: December 9, 2022. Permit Issued: July 28, 2023. Comprehensive operation permit for new gallon bottling line.

Construction Permit 6723503. PWSID No. **7670833.** **KBK-HR Associates, LLC,** 1628 John F. Kennedy Boulevard, 23rd Floor, Philadelphia, PA 19103, Dover Township, **York County.** Application received: February 16, 2023. Permit Issued: July 28, 2023. Construction permit for treatment system upgrades at Honey Run Golf Club.

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

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

Operation Permit 0221535. PWSID No. **5020085.** **Seneca Place Lighthouse Pointe at Chapel Harbor,** 3600 Forbes Avenue, Suite 10072, Pittsburgh, PA 15213, Ohara Township, **Allegheny County.** Application received: April 28, 2023. Permit Issued: May 18, 2023.

Operation of a secondary water treatment disinfection system utilizing liquid chlorine at UPMC's Lighthouse Pointe at Chapel Harbor.

Amendment Permit 0215508-A1. PWSID No. **5020808.** **UPMC Presbyterian Hospital**, 200 Lothrop Street, Pittsburgh, PA 15213, City of Pittsburgh, **Allegheny County**. Application received: January 23, 2023. Permit Issued: May 18, 2023. Removal of a redundant iChlor® secondary disinfection system at UPMC Presbyterian Hospital.

Amendment Permit 0215507-A1. PWSID No. **5020806.** **UPMC Montefiore Hospital**, 200 Lothrop Street, Pittsburgh, PA 15213, City of Pittsburgh, **Allegheny County**. Application received: January 23, 2023. Permit Issued: May 18, 2023. Removal of a redundant iChlor® secondary disinfection system at UPMC Montefiore Hospital.

Operation Permit 0222542. PWSID No. **5020038.** **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. Application received: May 19, 2023. Permit Issued: June 1, 2023. Operation of Herron Hill Reservoir's North Cell chlorine vault near Milwauke Street.

Construction Permit 0222540. PWSID No. **5020038.** **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. Application received: January 4, 2023. Permit Issued: June 1, 2023. Replenish filter media in 6 rapid rate filters at the Aspinwall Water Treatment Plant and change the permitted media specifications for anthracite in 10 of the 36 filter cells.

Operation Permit 1122502MA. PWSID No. **4110800.** **Saint Francis University of Pennsylvania**, 117 Lakeview Drive, Loretto, PA 15940, Loretto Borough, **Cambria County**. Application received: July 5, 2023. Permit Issued: July 11, 2023. Operation of four manganese greensand filters.

Construction/Operation Permit 0223502. PWSID No. **5020038.** **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. Application received: February 23, 2023. Permit Issued: July 18, 2023. Seasonal utilization of ultrasonic buoys with remote sensors in the 120-million-gallon capacity sedimentation basins north of the Aspinwall Water Treatment Plant to provide algae control.

Operation Permit 5623512. PWSID No. **4560042.** **Municipal Authority of the Borough of Somerset**, 347 West Union Street, P.O. Box 71, Somerset, PA 15501, Somerset Borough, Jefferson Township and Somerset Township, **Somerset County**. Application received: July 6, 2023. Permit Issued: July 17, 2023. Operation of about 5,000 linear feet of waterline along Sanner Street, Edgewood Avenue and Patriot Street.

NCWSA Construction Permit 5040832. PWSID No. **5040832.** **Big Knob Grange # 2008**, 403 Big Knob Road, Rochester, PA 15074, New Sewickley Township, **Beaver County**. Application received: July 24, 2023. Permit Issued: August 1, 2023. New Public Water Supply Well and treatment.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 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.

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

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 717-787-3483 for more information.

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

Contact: Michael Hadden, 814-332-6187.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

NOTICE OF PROMPT-INTERIM RESPONSE AMERICAN BIODIESEL SITE, HARBORCREEK TOWNSHIP, ERIE COUNTY

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) has initiated a Prompt-Interim Response at the American Biodiesel Site (Site) located at 4680 Iroquois Ave, Erie PA 16511. This response has been initiated pursuant to Sections 501(a) and 505(b) of HSCA (35 P.S. §§ 6020.501(a) and 6020.505(b)).

The Site is located on a 11-acre parcel with one partially demolished, collapsed, and fire-damaged building, abandoned waste including miscellaneous scrap, large numbers of tanks, totes, and drums in various stages of degradation, and bags of powder coating materials. The Site poses immediate and potential risks to the public health and the environment including potential direct contact exposures with the following hazardous

substances found at the Site: Methyl Ethyl Ketone, Toluene, Sulfuric Acid, Sodium Methylate, Epichlorohydrin, Methyl Hydroxide, Sodium Methoxide and 1,2-Epoxybutane.

The objectives and scope of the response are: 1) reduce or eliminate the threats to public health, safety, and the environment from the hazardous substances, contaminants, and structurally unsound buildings on the Site; 2) assess buildings on the Site for structural integrity and demolished if required; 3) inventory and characterize all wastes on the Site and properly dispose of these wastes off-Site.; and 4) comply with applicable Federal, State, and local regulations.

To achieve the objectives for the Site, the DEP has chosen to conduct a building structural assessment with potential demolition, waste characterization, and off-Site disposal. This choice complies with Applicable, or Relevant and Appropriate Requirements, is feasible, and cost-effective. Other alternatives considered for the Site included taking no action and fencing off the Site from the public.

This notice is being provided pursuant to Section 506(b) of HSCA. The Administrative Record, which contains the information that forms the basis and documents the selection of this response action, is available for public review and comment. The Administrative Record is located at 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8:00 am to 4:00 pm.

The Administrative Record will be open for comment from August 12, 2023 until November 10, 2023. Any person may submit written comments into the record during this time only, by sending them to Michael Hadden at Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335 or mhadden@pa.gov, or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the Administrative Record, at a public hearing. DEP will schedule a public hearing September 21, 2023 at 6:00 p.m. Any person wishing to present comments must register with Tom Decker before September 1, 2023 by telephone at 814-332-6615, by email at thomadecke@pa.gov, or in writing at 230 Chestnut Street, Meadville, PA 16335.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Mr. Hadden at 814-332-6187 or through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup

of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report 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.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Folta BRA 22HC on the Folta BRA Well Pad, Primary Facility ID # **865954**, 889 Vandervort Road, Laceyville, PA 18823, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production water. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

Freemansburg Avenue Hop Energy, LLC Spill, Primary Facility ID # **868329**, Freemansburg Avenue and Washington Street, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. JMT Industrial & Environmental, 710 Uhler Road, Easton, PA 18040, on behalf of Hop Energy, LLC, 445 North West Street, Doylestown, PA 18902, submitted a Final Report concerning remediation of soil contaminated with diesel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Chris, 724-598-2206.

Dorsch Unit Unconventional Site, Primary Facility ID # **858926**, 201 Arden Rad, Harmont, PA 16037, Lancaster Township, **Butler County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of PennEnergy Resources, LLC, 3000 Westinghouse Drive, Suite 300, Cranberry Township, PA 16066, submitted a Final Report concerning remediation of soil contaminated with Benzene, Toluene, Ethylbenzene, Xylene, Sec-butyl Benzene, Tert-butyl Benzene, Cyclohexane, 1,2,4-Trimethylbenzene ("1,2,4-TMB"), 1,3,5-Trimethylbenzene ("1,3,5-TMB"), Cumene, Naphthalene, Acenaphthene, Anthracene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(g,h,i) Perylene, Chrysene, Fluoranthene, Fluorene, Indeno(1,2,3-c,d)pyrene, 2-Methylnaphthalene, Phenanthrene, Pyrene, 1,1 Biphenyl, and Phenol ("Condensate List of Parameters"); Aluminum, Barium, Boron, Chloride, Iron, Lithium, Manganese, Strontium, Vanadium, Zinc, and Selenium ("Brine List of Parameters"). The Final Report is intended to document remediation of the site to meet the Statewide health and background 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.

Shermans Valley Road Sewer Lining Project, Primary Facility ID # **849655**, Shermans Valley Road, West of Potter Lane, Loysville, PA 17047, Tyrone Township, **Perry County**. Sovereign Consulting, Inc., 111A North Gold Drive, Robbinsville, NJ 08691, on behalf of NWMCC, 1806 Newark Turnpike, Kearny, NJ 07032, submitted a Final Report concerning remediation of groundwater contaminated with Styrene. 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.

6800 Essington Avenue, Primary Facility ID # **853185**, 6800 Essington Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Julie Baniewicz, Apex Companies, LLC, 100 Arrandale Boulevard, Suite 203, Exton, PA 19153, on behalf of Liam Sullivan, 6800 Essington Partners, LLC, 414 South 16th Street, Suite 100, Philadelphia, PA 19146, submitted a Cleanup Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, methylene chloride, MTBE, 1,2,4-TMB, tetrachloroethene, benzo(a)pyrene, arsenic, lead, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, and benzo(a)pyrene. The Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

Corona Corporation Facility, 820 Main Street, Red Hill, PA 18076, Red Hill Borough, **Montgomery**

County, Primary Facility ID # **805973**, Andrew K. Markoski, PG, Patriot Environmental Management LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of Harriet R. Litz, Esq., Mullaney & Mullaney, LLC, 3381 Skippack Pike, P.O. Box 1368, Skippack, PA 19474, submitted a Final Report concerning remediation of groundwater contaminated with unleaded gasoline. The Final Report is intended to document remediation of the site to meet the site-specific standards.

River Pointe Parcel # 2, Primary Facility ID # **864477**, 75 East 4th Street, Bridgeport, PA 19405, Bridgeport Borough, **Montgomery County**. Jeffery K. Walsh, PG, Penn E&R, Inc., 400 Dublin Pike, Doylestown, PA 18901, on behalf of Anthony E. Maras, Esq., DPD-Brightview, LP, 740 Samson Street, Suite 501, Philadelphia, PA 19106, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with PAHs and metals. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

401 Washington Street Property, Primary Facility ID # **632093**, 401 Washington Street, Conshohocken, PA 19429, Conshohocken Borough, **Montgomery County**. Donald F. Bowman, Colliers Engineering & Design, Inc., 941 Marcon Boulevard, Suite 801, Allentown, PA 18109, on behalf of David B. Kahan, Esq., KRE Acquisition Corporation, 520 U.S. Highway 22 East, P.O. Box 6872, Bridgewater, NJ 08807, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with lead and inorganics. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

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

433 Washington Street Property, Primary Facility ID # **618234**, 433 Washington Street, Conshohocken, PA 19429, Conshohocken Borough, **Montgomery County**. Donald F. Bowman, Colliers Engineering & Design, Inc., 941 Marcon Boulevard, Suite 801, Allentown, PA 19429, on behalf of David B. Kahan, Esq., KRE Acquisition Corporation, 520 U.S. Highway 22 East, P.O. Box 6872, Bridgewater, NJ 08807, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with lead and inorganics. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

East 10th Street Hazardous Sites Cleanup Act (HSCA) Site, Primary Facility ID # **630967**, 201 East 10th Street, Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. Peter D. Beyer, PG, Environmental Resources Management, Inc., 75 Valley Stream Parkway, Suite 200, Malvern, PA 19355, on behalf of Tiffany Kung, FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104, submitted a Risk Assessment/Final Report concerning remediation of soil contaminated with metals, SVOCs, VOCs, and PCBs. The Risk Assessment/Final Report is intended to document remediation of the site to meet the site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREMABLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following plans and reports.

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

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Roehl Transport LLC Diesel Fuel, Motor Oil & Antifreeze Release Cleanup, Primary Facility ID # **864364**, 180 W MM 196, Eastville, PA 17844, Lewis Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17869, on behalf of Roehl Transportation LLC, P.O. Box 750, Marshfield, WI 54449, submitted a Final Report concerning remediation of soil contaminated with diesel fuel, motor oil and antifreeze. The Report demonstrated attainment of the Statewide health standards. Approved: July 26, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

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 demonstrated attainment of the Statewide health standards. Approved: August 1, 2023.

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

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Cambridge Crossing—Phases II and III, Primary Facility ID # **866779**, Biglerville Road and Boyds School Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**. Barry Isett & Associates, 5420 Crackersport Road, Allentown, PA 18104, on behalf of Cambridge Crossing 1, LLC, 160 Ram Drive, Hanover, PA 17331, submitted a Final Report concerning remediation of groundwater contaminated with TCE. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: July 26, 2023.

Blettner Avenue Development, Primary Facility ID # **862486**, 293-295 Blettner Avenue, Hanover, PA 17331, Conewago Township, **Adams County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of MA Warehouse Properties, LLC, 416 Sprenkle Avenue, Hanover, PA 17331, submitted a Final Report concerning remediation of soil contaminated with Lead. The Final Report demonstrated attainment of the Statewide health standards. Approved: July 28, 2023.

30 West Ridge Road, Primary Facility ID # **867427**, 30 West Ridge Road, Palmyra, PA 17078-1139, Palmyra Borough, **Lebanon County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Goodville Mutual Casualty Co., 625 West Main Street, New Holland, PA 17557, submitted a Final Report concerning remediation of soil contaminated with used motor oil compounds. The Final Report demonstrated attainment of the Statewide health standards. Approved: July 28, 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.

Raleigh Mill Roeper Facility, Primary Facility ID # **840813**, 1617-35 North 5th Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Kevin J. Davis, PE, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Lawrence McKnight, PE, The Riverwards Group, 320 Richmond Street, Philadelphia, PA 19134, submitted a Final Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs and metals. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: July 19, 2023.

1711 West Allegheny Avenue, Primary Facility ID # **818630**, 1711 West Allegheny Avenue, Philadelphia, PA 19132, City of Philadelphia, **Philadelphia County**. Stephen Huxta, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Tom Shoemaker, Cristo Rey Philadelphia High School, 1717 West Allegheny Avenue, Philadelphia, PA 19132, submitted a Risk Assessment/Final Report concerning remediation of site soil and groundwater. This project attained a residential site-specific standard for benzene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, biphenyl, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, toluene, ethylbenzene, naphthalene, xylenes, tetrachloroethylene, trichloroethylene, arsenic, lead, vanadium in soil. This project also attained a residential site-specific standard for benzene, ethylbenzene, naphthalene, toluene, xylenes, bromomethane, tetrachloroethylene, trichloroethylene, cis-1,2-dichloroethylene, vinyl chloride, 1,1-dichloroethane, 1,1,2-trichloroethane in groundwater. The Report was approved by the Department on June 18, 2023.

Fairless Landfill Eastern Expansion Area, Primary Facility ID # **863122**, South Port Road, Morrisville, PA 19067, Falls Township, **Bucks County**. Francis T. Adams, PE, WSP, Lake Center Drive, Suite 205, Marlton, NJ 08053, on behalf of Brian Bolvin, PE, Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil contaminated with VOCs, SVOCs, PCBs and metals. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: July 17, 2023.

10 West College Avenue Site, Primary Facility ID # **854263**, 10 West College Avenue, Yardley, PA 19067, Yardley Borough, **Bucks County**. Stephen Huxta, PG, Brickhouse Environmental, 515 Franklin Street, West Chester, PA 19382, on behalf of Charles Athey, Yardley Products, LLC, 1 Dixon Square, Chestertown, MD 21620, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with VOCs and SVOCs. The Report demonstrated attainment of the site-specific standards. Approved: June 14, 2023.

200 West State Street, Primary Facility ID # **853178**, 200 West State Street, Doylestown, PA 18901, Doylestown Borough, **Bucks County**. John Filoon, REPSG, Inc., 6901 Kingessing Avenue, Philadelphia, PA 19142, on behalf of Larry Thomson, Kola, LLC, 16 North Franklin Street, Suite 111, Doylestown, PA 18901, submitted a Risk Assessment concerning remediation of soil contaminated with gasoline and No. 2 fuel oil. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: July 24, 2023.

Lukas Property, Primary Facility ID # **707746**, 362 West Lancaster Avenue, Wayne, PA 19087, Radnor Township, **Delaware County**. Gary Drennen, Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Joseph T. Lukas, 362 West Lancaster Avenue, Wayne, PA 19089, submitted a Remedial Investigation Report concerning remediation of groundwater contaminated with chlorinated solvents. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: July 18, 2023.

3421 Aramingo Avenue, Primary Facility ID # **847334**, 3421 Aramingo Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jason Hanna, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of Scott Montgomery, Map Real Estate, LLC, c/o Raider Hill Advisors, LLC, 25700 Science Park Drive, Suite 270, Beachwood, OH 44122, submitted a Final Report concerning remediation of soil contaminated with antimony, anthracene, arsenic, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, cadmium, carbazole, chrysene, lead, manganese, naphthalene, and zinc. The Final Report demonstrated attainment of the site-specific standards. Approved: July 26, 2023.

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

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

Lexington Avenue Parcel 175-A-111, Primary Facility ID # **635328**, 400 North Lexington Street and 7228 McPherson Boulevard, Pittsburgh, PA 15208, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Urban Development Authority of Pittsburgh, 412 Boulevard of the Allies, Suite 901, Pittsburgh, PA 15219, submitted a Final Report concerning remediation of soil and groundwater contaminated with aluminum, antimony, barium, beryllium, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, nickel, potassium, selenium, sodium, zinc, acenaphthene, acenaphthylene, anthracene, benzo-(a)anthracene, benzo(a)pyrene, benzo(b)-fluoranthene, benzo(g,h,i)erylene, benzo(k)fluoranthene, bis(2-ethylhexyl)phthalate, butyl benzyl phthalate, carbazole, chrysene, dibenz(a,h)anthracene, dibenzofuran, di-n-butyl phthalate, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, 2-methylnaphthalene, naphthalene, phenanthrene, pyrene, and methylene chloride for the former; methylene chloride and bis(2-ethylhexyl)phthalate for the latter. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: July 24, 2023.

**OPERATE WASTE PROCESSING OR
DISPOSAL AREA OR SITE**

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

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

Contact: Waste Management Program Manager.

101421. Shade Landfill, Inc., 1176 No. 1 Road, Cairnbrook, PA 15924-9726, Shade Township, **Somerset County**. Major permit modification to revise the Closure Plan for Shade Landfill. Application received: February 21, 2021. Issued: July 18, 2023.

Persons interested in reviewing the permit may contact Regional Files, 412-442-4100, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

101700. McKees Rocks Transfer Station, LLC, 149 Nichol Avenue, McKees Rocks, PA 15136, Stowe Township, **Allegheny County**. The Department approved of the Closure Plan and Closure Report and terminated the transfer station permit and released the bond at the request of the permittee. Application received: January 11, 2023. Approved: July 26, 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.

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

Contact: Raymond Kempa, Environmental Group Manager.

AG5-58-00006E: NG Advantage, LLC, 78 Severance Green, Suite 102, Colchester, VT 05446, Springville Township, **Susquehanna County**. For the installation and operation of two (2) Cummins engines with Oxidation Catalysts. Application received: July 10, 2023. Issued: August 1, 2023.

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.

GP13-01-05026: York Materials Group, LLC, 950 Smile Way, York, PA 17404, Berwick Township, **Adams**

County. For the batch asphalt plant. The general permit authorization was renewed. Application received: June 28, 2023. Issued: July 26, 2023.

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

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

GP5-30-00222E/AG5-30-0004D: EQM Gathering OpcO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Richhill Township, **Greene County**. To authorize the continued operation of two (2) TEG dehydrators rated at 55 MMSCD, one (1) TEG dehydrator rated at 100 MMSCD, two (2) natural gas fired line heaters rated at 3.575 MMBtu/hr, two (2) produced water storage tanks, three (3) miscellaneous storage tanks, and pigging operations for a fixed period of 5 years at their Wind Ridge Compressor Station. Application received: May 10, 2023. Authorized: July 27, 2023.

GP5-30-00224D/AG5-30-00003C: EQM Gathering OpcO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Franklin Township, **Greene County**. To operate previously installed sources: One (1) TEG Dehydrator rated at 150 MMscfd, one (1) Reboiler rated at 2.67 MMBtu/hr, four (4) Produced Fluids Tanks each rated at 210-barrels, truck loading operations, one (1) 500-gallon Tri-Ethylene Glycol (TEG) tank, one (1) 330-gallon Methanol Tote, blowdowns, fugitive emissions, and pigging operations at their Ten Mile (Waynesburg) CS in Franklin Township, Greene County. Application received: May 11, 2023. Authorized: July 28, 2023.

GP14-63-01072A: Community Cremations, LLC, 24 North Cherry Avenue, Houston, PA 15342, Houston Borough, **Washington County**. General Operating Permit issued on August 1, 2023, for construction and operation of a natural gas-fired human crematory incinerator, manufactured by American Crematory Equipment Company, Model No. A-350 HT, and rated at 150 lbs/hr equipped with a Ameri jet Primary Chamber Burner rated at 2.0 MMBtu/hr operated at 1,550°F and a Ameri jet Secondary Chamber Burner rated at 1.5 MMBtu/hr operated at 1,800°F located in Houston Borough, Washington County. Application received: June 20, 2023. Authorized: August 1, 2023.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

Contact: Raymond Kempa, Environmental Group Manager.

35-00078B: Assai Energy, LLC, 4444 Westheimer Road, Suite G450, Houston, TX 77027, Throop Borough, **Lackawanna County**. For the installation of a non-enclosed flare and to increase the landfill gas volume accepted from 20,000 scfm to 25,000 scfm Application received: January 12, 2023. Issued: August 1, 2023.

58-00024A: Eureka Resources LLC, 315 Second Street, Williamsport, PA 17701, Dimock Township, **Susquehanna County**. For an extension of their existing plan approval. Application received: June 16, 2023. Issued: August 1, 2023.

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

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

36-05013A: Lancaster County Solid Waste Management Authority, 1911 River Road, Bainbridge, PA 17502-9360, Conoy Township, **Lancaster County**. For the installation of Covanta proprietary Low NO_x (LN) technology for each of the three (3) municipal waste combustors (MWC) at the Lancaster Waste-to Energy (LWTE) facility, and the incorporation of presumptive, and alternative RACT 3 requirements for the MWCs, at the facility. As part of this plan approval the facility will upgrade the furnace Type K thermocouples used to measure furnace temperatures with infrared (IR) sensors. Application received: December 16, 2022. Issued: July 31, 2023.

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

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

09-0242: Adelphia Gateway, LLC/Quakertown Compressor Station, Rich Hill Rd, Quakertown, PA 18951, West Rockhill Township, **Bucks County**. This plan approval extension is for the temporary operation of a new natural gas compressor station and metering station at their location. Application received: June 14, 2023. Issued: July 27, 2023.

46-0005BA: Merck Sharp & Dohme, LLC/West Point Plant, 770 Sumneytown Pike, West Point, PA 19486-8000, Upper Gwynedd Township, **Montgomery County**. This action is for the construction of a new Building 63A, which will include a new biological manufacturing process line, construction of good manufacturing practice (GMP) space, and the construction of a 1-megawatt natural gas-fired non-emergency generator at an existing permitted Title V facility. Application received: June 30, 2023. Issued: July 28, 2023.

09-0004B: Oliver Healthcare Packaging/Feasterville Factory, 905 Pennsylvania Blvd, Feasterville, PA 19053-7815, Falls Township, **Bucks County**. This action is for a plan approval application for the installation and operation of a flexographic printing press. Application received: January 27, 2023. Issued: July 31, 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.

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

Contact: Norm Frederick, 570-826-2409.

39-00003: Apollo Metals Ltd/Bethlehem, 1001 14th Ave, Bethlehem, PA 18018-2207, City of Bethlehem, **Lehigh County**. The Department issued a renewal State-Only (Synthetic Minor) Permit for the electroplating and polishing facility located in Bethlehem City, Lehigh County. The main sources at this facility consist of boilers, and brass and copper electroplating. The control devices are scrubber systems. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting

standards used to verify facility compliance with Federal and State air pollution regulations. Application received: August 1, 2022. Renewal issued: July 25, 2023.

39-00108: Tierpoint Two, LLC—Tekpark Facility, 9999 Hamilton Blvd., Breinigsville, PA 18031, Upper Macungie Township, **Lehigh County**. The Department issued a new State-Only (Synthetic Minor) Permit for the data processing services facility located in Upper Macungie Township, Lehigh County. The main sources at this facility consist of two (2) emergency generators operated by diesel fuel. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: August 1, 2022. Permit issued: July 31, 2023.

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

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

OP22-000059: GE Hitachi Nuclear Energy Philadelphia Service Center, 1040 E Erie Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Natural Minor Operating Permit (NMOP) for the operation of a service center in the City of Philadelphia, Philadelphia County. The facility's air emissions' sources include one (1) paint booth, one (1) natural gas boiler rated 1.5 million British thermal units per hour (MMBtu/hr), two (2) natural gas boilers rated 1.3 MMBtu/hr, three (3) natural gas space heaters rated 0.35 MMBtu/hr, one (1) cold cleaner degreaser, a carpenter shop with two (2) disc sanders, two (2) cutoff saws, two (2) band saws, one (1) drill press, and other insignificant sources, two (2) aerosol can recycling systems, sixty-five (65) natural gas radiant space heaters each rated 0.125 MMBtu/hr, one (1) diesel fire pump 74 rated horsepower, and two (2) glove boxes. Application received: December 12, 2022. Issued: July 24, 2023.

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

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

06-05128: Reading Truck Body, LLC, P.O. Box 650, Reading, PA 19607-0650, City of Reading, **Berks County**. For the truck body manufacturing facility. The State-Only permit was renewed. Application received: June 28, 2023. Issued: July 28, 2023.

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

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

46-00093: Bryn Mawr Hospital, 130 S Bryn Mawr Ave, Bryn Mawr, PA 19010-3121, Lower Merion Township, **Montgomery County**. This action is for the renewal of the Synthetic Minor Permit for the boilers and generators located at the hospital. Application received: November 18, 2022. Issued: July 31, 2023.

46-00267: Flexential/Upper Providence, 1250 S Collegeville Rd, Collegeville, PA 19426-2990, Upper Providence Township, **Montgomery County**. This action is for

the renewal of a State Only Synthetic Minor Operating Permit for engines/electric generators used to provide information technology support services to a data center. Application received: December 16, 2021. Issued: July 31, 2023.

23-00046: Container Research Corp., P.O. Box 159, Glen Riddle Lima, PA 19037-0159, Aston Township, **Delaware County**. This is a State Only Operating Permit renewal application for their facility that manufactures aluminum and steel containers for defense and aerospace applications. Application received: October 20, 2022. Issued: July 31, 2023.

GP3-09-0171 and GP9-09-0128: JDM Materials/Upper Southampton Plant, 851 County Line Rd, Huntingdon Valley, PA 19006-1111, Upper Southampton Township, **Bucks County**. This action is for the issuance of a General Plan Approval and General Operating Permit for the operation of a temporary portable nonmetallic mineral processing plant (GP3) and supporting diesel engines (GP9). Application received: June 15, 2023. Issued: August 1, 2023.

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

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

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

OP23-000027: Maola Philadelphia, 10975 Dutton Road, Philadelphia, PA 19154, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) administratively amended a Synthetic Minor Operating Permit (SMOP) for the operation of a manufacturing and distributing facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources include one (1) 33.6 MMBtu/hr No. 2 oil- and natural gas-fired boiler, one (1) 33.5 MMBtu/hr natural gas-fired boiler, and one (1) 0.84 MMBtu/hr natural gas-fired boiler. The administrative amendment includes a change in the ownership from HP Hood to Maola Philadelphia and a corresponding update to the responsible official. The amendment will become effective on August 31, 2023. The amended SMOP replaces the previous SMOP OP16-000040 issued June 12, 2017. Application received: June 13, 2023. Issued: July 14, 2023.

OP22-000035: St. Joseph's University, University City Campus, 600 South 43rd Street, Philadelphia, PA 19104, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) administratively amended Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices for St. Joseph's University. The Operating Permit was administratively amended to incorporate a change of ownership from the University of the Science in Philadelphia to St. Joseph's University, University City Campus.

The Synthetic Minor Operating Permit (S16-000) was originally issued on November 16, 2021. Application received: August 1, 2022. Issued: July 31, 2023.

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

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

09-00125: Naceville Materials/Plumstead Quarry, 1371 W Street Rd, Warminster, PA 18974, Plumstead Township, **Bucks County**. This action is for a minor modification of State Only Operating Permit No. 09-00125 for its facility located in Plumstead Township, Bucks County. The minor modification will allow the replacement of primary stone crusher with equivalently sized crusher limited to 600 tons per hour. In addition, the feed and other associated belts will be lengthened to allow better access to materials and storage. There will be no increase in any emissions from the replacement. The modified permit contains sufficient monitoring, record-keeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. Application received: January 26, 2023. Issued: July 31, 2023.

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

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

30-00258: ECC Windsor, Inc., 1919 14th Street, Suite 700, Boulder, CO 80203, Richhill Township, **Greene County**. The Department of Environmental Protection issued a modification to the natural minor State-Only Operating Permit for a mine methane flaring project consisting of two (2) John Zink Company, LLC ZTOF6X30 enclosed flares located in Richhill Township, Greene County at coordinates 39.8994276, -80.483075. The modification was to incorporate a change in minimum flare operating temperature and add additional monitoring and recordkeeping requirements. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Application received: March 15, 2023. Issued: July 27, 2023.

Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

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

61-00011: Sasol Chemicals USA, LLC, 292 State Route 8, Oil City, PA 16301-5626, Cornplanter Township, **Venango County**. The sources have all ceased operation, and the facility will not be renewing the Title V Permit. The sources were decommissioned and deconstructed. There are no additional air contamination sources being operated at the facility which require a Plan Approval, General Permit, or Operating Permit. As the Title V Permit is no longer necessary, the Department revoked the Operating Permit. Application received: July 6, 2023. Revoked: July 24, 2023.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

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

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and East Finley Townships, **Greene and Washington Counties**. To revise the permit and NPDES permit for installation of injection borehole and waterline, affecting 0.8 surface acre. Application received: March 28, 2022. Accepted: May 23, 2022. Issued: July 11, 2023.

Mining Permit No. 32971302. NPDES No. PA0215040. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Washington Township, **Indiana County**. To renew the permit and related NPDES permit. Application received: July 15, 2022. Accepted: September 12, 2022. Issued: July 18, 2023.

Mining Permit No. 56841328. NPDES No. PA0033677 and GP12-56841328-R31. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Paint, Adams, Croyle and Richland Townships, **Somerset and Cambria Counties**. To renew the permit and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. Application received: September 8, 2021. Accepted: November 3, 2021. Issued: July 18, 2023.

Mining Permit No. 56091301. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Quemahoning Township, **Somerset County**. To renew the permit. Application received: September 21, 2017. Accepted: January 11, 2019. Issued: July 20, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17090104. NPDES No. PA0257141. Junior Coal Contracting, Inc., 2330 Six

Mile Road, Philipsburg, PA 16866, Woodward Township, **Clearfield County**. Renewal of a mining permit and associated NPDES permit for continued operation and restoration of a bituminous surface coal mine, affecting 221.0 acres. Receiving stream(s): Moshannon Creek and Whiteside Run classified for the following use(s): TSF and CWF. Application received: October 11, 2022. Issued: July 26, 2023.

Mining Permit No. 17160102. NPDES No. PA0269816. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830, Bradford Township, **Clearfield County**. Renewal of a mining permit and NPDES permit for continued operation and restoration of a bituminous surface coal mine affecting 95.3 acres. Receiving stream(s): Valley Fork Run and Unnamed Tributary to Sulphur Run classified for the following use(s): CWF, MF. Application received: January 17, 2023. Issued: July 28, 2023.

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

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

Mining Permit No. 65150101. NPDES No. PA0278238. Coal Loaders, Inc., 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, Ligonier Township, **Westmoreland County**. Permit renewal issued for continued mining to an existing bituminous surface mine and associated NPDES permit, affecting 339.9 acres. Receiving streams: Unnamed tributaries to Mill Creek and Unnamed tributaries to Coalpit Run; classified for the following use: HQ—CWF. Application received: October 19, 2022. Issued: July 26, 2023.

Mining Permit No. 65150101. NPDES Permit No. PA0278238. Coal Loaders, Inc., 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, Ligonier Township, **Westmoreland County**. Permit revised to add 14.1 acres of additional coal extraction within the existing permit boundary and two additional outfalls. Receiving streams: Unnamed tributaries to Mill Creek and Unnamed tributaries to Coalpit Run; classified for the following use: HQ—CWF. Application received: September 1, 2022. Issued: July 27, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54070102. Gilberton Coal Company, 10 Gilberton Road, Gilberton, PA 17934, Butler Township, **Schuylkill County**. Renewal of an anthracite surface mine, coal refuse reprocessing and refuse disposal operation affecting 149.7 acres. Receiving stream: Big Mine Run to Mahanoy Creek. Application received: October 21, 2022. Renewal issued: July 31, 2023.

Mining Permit No. 54070102. Gilberton Coal Company, 10 Gilberton Road, Gilberton, PA 17934, Butler Township, **Schuylkill County**. Correction to update the post-mining land use from forestland to unmanaged natural habitat of an anthracite surface mine, coal refuse reprocessing and refuse disposal operation affecting 149.7 acres. Receiving stream: Big Mine Run to Mahanoy Creek. Application received: October 21, 2022. Correction issued: July 31, 2023.

Mining Permit No. 40663027. Jeddo-Highland Coal Company, 144 Brown Street, Yatesville, PA 18640, Hazle Township, **Luzerne County**. Correction to an anthracite surface mine, coal refuse reprocessing and refuse disposal operation to increase the permitted acres from 154.9 to

187.4 acres. Receiving stream: Black Creek. Application received: December 22, 2022. Renewal issued: July 31, 2023.

Mining Permit No. 40663027. GP104 No. PAM111084. Jeddo-Highland Coal Company, 144 Brown Street, Yatesville, PA 18640, Hazle Township, **Luzerne County**. Modification of coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP-GP-104). Receiving stream: Black Creek. Application received: December 22, 2022. Coverage issued: July 31, 2023.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 15234105. M3 Explo, LLC, P.O. Box 615, Bowmansville, PA 17507, West Goshen Township, **Chester County**. Construction blasting for Islamic Society. Application received: July 24, 2023. Permit issued: July 28, 2023. Expiration date: July 23, 2024.

Permit No. 52234103. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Lackawaxen Township, **Pike County**. Construction blasting for Mark Soden Residence. Application received: July 24, 2023. Permit issued: July 31, 2023. Expiration date: July 24, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and

procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

E4002223-002. Timothy Connolly, 1999 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To remove an existing dock and boathouse and to construct and maintain a 1,587 ft² dock, boathouse, and covered boat slip at Pole # 180 within the normal pool elevation of Harveys Lake (HQ—CWF, MF). The project is located at 1999 Lakeside Drive (SR 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 59.05"; Longitude: -76° 3' 24.24") in Harveys Lake Borough, Luzerne County. Application received: February 21, 2023.

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

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

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

Permanently impact a total of 0.16 acre of wetland and 60 linear feet of UNT Walnut Creek having a contributory drainage area less than 100 acres for extension of Woodbine Drive and lot development and temporary impact to 0.02 acre of wetland and 40 linear feet of stream for a temporary access road as part of construction of Phase 3 of Saddlewood Condominiums residential development northeast of the intersection of Dorn Road and Hamot Road (Erie South, PA Quadrangle N: 42.03041°; W: -80.08133°) in Summit Township, Erie County. Project Includes contribution to the Pennsylvania In-Lieu Fee Program fund for compensation of permanent impacts. Application received: November 16, 2022. Issued: July 27, 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.

E4601223-001. Skippack Township, P.O. Box 164, Skippack, PA 19474, Skippack Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain the following-listed water obstruction and encroachment activities associated with Lenape Park. Skippack Township is seeking permitting for the already constructed 260 ft by 10 ft asphalt pedestrian trail in Lenape Park in and along the 100-year floodway of the East Branch of Perkiomen Creek (TSF, MF). Impacts include 0.06 acre of permanent floodway impact. The removal of a portion of the trail will result in 764 SF of temporary waterway impact. There are no wetland impacts. The site is located between Squirrel Hill and Halem Roads (Collegeville, Perkiomenville, PA USGS Map) in Skippack Township, Montgomery County. Latitude: 40.249924°, Longitude: -75.455864°. Application received: January 19, 2023. Issued: July 26, 2023.

E5101222-012. BP Point Breeze, LLC, One Gatehall Drive, Suite 201, Parsippany, NJ 07054, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a cross-dock warehouse and distribution facility. Water obstruction and encroachment activities are as follows: 1) To fill within wetland area (Wetland B PEM-PFO) for cross-dock warehouse construction resulting in 340 linear feet (58,048 sq ft, 1.33 acres) of permanent wetland impact. 2) To fill within wetland area (Wetland D PEM-PFO) for cross-dock warehouse construction resulting in 80 linear feet (4,396 sq ft, 0.10 acre) of permanent wetland impact. This project is located at 6310 West Passyunk Avenue in the City and County of Philadelphia (USGS PA Philadelphia Quadrangle). Latitude: 39.913865°, Longitude: -75.214160°. Application received: August 10, 2022. Issued: July 24, 2023.

E0901222-006. LPC Morrisville, LP, One North Wacker Drive, Suite 1925, Chicago, IL 60606-2180, Falls Township and Morrisville Borough, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District.

To perform the water obstruction and encroachment activities associated with the construction of a 968,760 SF warehouse with associated infrastructure including parking, stormwater management, and utilities impacting three (3) wetlands (EV) and FEMA mapped floodway of the Delaware River (WWF-MF) in Falls Township and Morrisville Borough, Bucks County, PA. This project is located in Falls Township and Morrisville Borough, Bucks County, PA (USGS PA Quadrangle). Latitude: 40.193085°, Longitude: -74.762757°. Application received: November 28, 2022. Issued: August 1, 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-EPEASTERNOPRGR@pa.gov.

ESCGP # 3 **ESG290823008-00**

Applicant Name **Chesapeake Appalachia, LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) West Burlington Township

County **Bradford County**

Receiving Stream(s) and Classification(s) Mill Creek (TSF, MF), Tomjack Creek (TSF, MF)

Application received: July 5, 2023

Issued: July 31, 2023

ESCGP # 3 **ESG294123013-00**

Applicant Name **EQT ARO, LLC**

Contact Person Stephen Barondeau

Address 2462 Lycoming Creek Road

City, State, Zip Williamsport, PA 17701

Township(s) Cummings Township

County **Lycoming County**

Receiving Stream(s) and Classification(s) Veley Fork and Mits tributaries (EV)

Application received: June 26, 2023

Issued: July 31, 2023

Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kate Hogue Clerical Supervisor 814-332-6868.

ESCGP # 3 **ESG081023002-00**

Applicant Name **Laurel Mountain Production**

Contact Person Matthew Weinreich

Address 61 McMurray Rd, Ste. 300

City, State, Zip Pittsburgh, PA 15241-1633

Township(s) Bruin Borough

County **Butler County**

Receiving Stream(s) and Classification(s) South Branch Bear Creek (WWF), Tributary to South Branch Bear Creek (WWF)

Application received: February 28, 2023

Approved: July 27, 2023

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 ESG076323006-00

Applicant Name **Markwest Liberty Midstream & Resources LLC—Hunter**

Longwall Mining Panels 1 and 2

Contact Person Patrick Rudy, VP of Engineering and Technical Services G&P

(724) 754-9214

PSRudy@marathonpetroleum.com

Address 0.25 Mile South of Waynesburg Rd and

Kennedy Rd Intersection

City, State, Zip West Alexander, PA 15376

Township(s) Donegal Township

County **Washington County**

Receiving Stream(s) and Classification(s) 001:

Lat 40.09360, Long -80.48411, UNTs to Middle Wheeling Creek, Ch. 93 Class WWF

Application received: May 3, 2023

Issued: July 26, 2023

ESCGP # 3 ESG073022008-03

Applicant Name **EQM Gathering Opco LLC—Nidbs006-Nidbh006 & Beacon Dehy/**

Interconnect Project

Contact Person Kirsten Kiesel

Senior Environmental Coordinator

(412) 660-0979

kkiesel@equitransmidstream.com

Address .4 Mile North of Golden Oaks Rd

City, State, Zip Holbrook, PA 15341

Township(s) Jackson Township

County **Greene County**

Receiving Stream(s) and Classification(s) 009: Lat

39.77544, Long -80.31782, UNT to Toms Run, Ch 93 class WWF

Application received: June 5, 2023

Issued: July 26, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the

environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Henry's Service Station, Storage Tank Facility ID # **48-03706**, 4024 Mountainview Drive, Danielsville, PA 18038, Lehigh Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Preston Henry, 4024 Mountainview Drive, Danielsville, PA 18038 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

Al's Quick Stop 1, Storage Tank Facility ID # **35-50754**, 554 State Route 435, Elmhurst, PA 18444, Elmhurst Township, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Binnie Real Estate, LLC, 1010 East Drinker Street, Dunmore, PA 18512 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting Statewide health and site-specific standards.

Market Street BP, Storage Tank Facility ID # **40-27874**, 467 Market Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Domoco Gas & Oil Company, 14 Cherry Lane, Mountain Top, PA 18707 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The combined plan and report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

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

Contact: Lee, 814-332-6127.

Country Fair Store 38, Storage Tank Facility ID # **25-91603**, 1810 Sassafras Street, Erie, PA 16510, City of Erie, **Erie County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair Inc., 2251 East 30th Street, Erie, PA 16510 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded Gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

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

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

Biddle Air National Guard Base, Storage Tank Facility ID # **46-25723**, 2164 McGuire St., Horsham, PA 19044, Horsham Township, **Montgomery County**. Montrose Environmental, 500 Horizon Drive, Suite 540, Robbinsville, NJ 08691, on behalf of Air Force Civil Engineering Center—Environmental Management Division, 3515 S. General McMullen, San Antonio, TX 78226 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 residential Statewide health standards.

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

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

Sunoco # 0363-9671, Storage Tank Facility ID # **02-30687**, 113 North Noble Avenue, Crafton, PA 15206, Crafton Borough, **Allegheny County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sunoco, Inc., 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.

Honey Bear Mini Mart # 201, Storage Tank Facility ID # **26-05807**, 2561 Memorial Boulevard, Connellsville, PA 15425, Bullsken Township, **Fayette County**. Insite Group, Inc., 611 South Irvine Avenue, Sharon, PA 16146, on behalf of OCD, Inc., d/b/a Graft Oil Company, P.O. Box 899, Connellsville, PA 15425 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

Donatis Gulf Services, Storage Tank Facility ID # **65-32363**, 1610 Freeport Road, Arnold, PA 15068, City of Arnold, **Westmoreland County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Jeffrey Johasky, 2777 Valley View Drive, Lower Burrell, PA 15068 submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Smithton Truck Stop, Storage Tank Facility ID # **65-21940**, 138 Motor Drome Road, Smithton, PA 15479, Smithton Borough, **Westmoreland County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of EL-DO, Inc., 700 Atlantic Avenue, McKeesport, PA 15132 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel and unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

Contact: Ben, 814-350-5132.

Russell City Store, Storage Tank Facility ID # **24-30431**, 1536 State Route 66, Kane, PA 16736, Highland Township, **Elk County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Theodore Lutz, 424 Robin Street, Dunkirk, PA 14048 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 July 26, 2023.

Contact: Bill, 814-332-6671.

PALG Chestnut Street Bradford, Storage Tank Facility ID # **42-15331**, 76 Chestnut S, Bradford, PA 16701, City of Bradford, **McKean County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of PALG-UST V, LLC, 645 Hamilton St, Suite 400, Allentown, PA 18101 submitted a Remedial Action Plan concerning remediation of soil and groundwa-

ter contaminated with unleaded gasoline. The plan non-residential was acceptable to meet the Statewide health standards and was approved by DEP on July 26, 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.

1256 Welsh Road, Storage Tank Facility ID # **46-98164**, 1256 Welsh Road, North Wales, PA 19454, Montgomery Township, **Montgomery County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Dan Farragut, 745 Whitney Drive, Blue Bell, PA 19422 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The report residential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on July 28, 2023.

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

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

McCalls Jeep Eagle, Storage Tank Facility ID # **11-25188**, 500 Main Street, Summerhill, PA 15958, Summerhill Borough, **Allegheny County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Timothy McIlwain, 1551 Ferndale Avenue, Johnstown, PA 15905 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel fuel. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on July 21, 2023.

East McKeesport Texaco, Storage Tank Facility ID # **02-21391**, 1153 5th Avenue, East McKeesport, PA 15035, East McKeesport Borough, **Allegheny County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Golden Oil Co, P.O. Box 275, Oakdale, PA 15071 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan resi-

dential was acceptable to meet the Statewide health standards and was approved by DEP on August 1, 2023.

SPECIAL NOTICES

WATER PROGRAMS

Request for Comment: Total Maximum Daily Loads (TMDLs) for the Alder Run Headwaters Watershed in Erie County.

Central Office: Clean Water Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Michael Morris, 717-772-5670.

The Department of Environmental Protection will accept comments on the proposed “TMDLs” developed for a subwatershed of Alder Run, henceforth referred to as the “Alder Run headwaters watershed”, under Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included stream segments listed as impaired for aquatic life in the watershed. The impairments addressed by this document were caused by excessive siltation due to “Crop Production”.

There currently are no state or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL document sets allowable loading for sediment in the Alder Run headwaters watershed. The “TMDLs” included allocations for nonpoint sources, reserves for future point sources, as well as margin of safety factors. Nonpoint source load allocations were made for cropland, hay/pasture land and streambank source sectors present in the watershed. Data used in establishing the TMDLs were primarily generated using a water quality analysis model (Model My Watershed) made available through the Stroud Water Research Center.

The following table shows the estimated current sediment loadings within the watershed, the prescribed “TMDL” values, and % reductions needed under annual average conditions.

Summary of “TMDL” —Based Load Reductions (expressed as annual averages) in the Alder Run Headwaters Watershed

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>“TMDL” (lbs/yr)</i>	<i>% Reduction</i>
Alder Run Headwaters	Sediment	500,454	267,165	47

The following table shows the estimated current sediment loading within the watershed, the prescribed “TMDL” values, and % reductions needed under 99th percentile daily loading conditions.

Summary of “TMDL” —Based Load Reductions (expressed as 99th percentile daily loading) in the Alder Run Headwaters Watershed

<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/d)</i>	<i>TMDL (lbs/d)</i>	<i>% Reduction</i>
Alder Run Headwaters	Sediment	23,987	11,449	52

The proposed TMDL document can be viewed at: <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/AlderRunHeadwatersSedimentTMDL.pdf>.

Otherwise, copies of the proposed TMDL document or supporting information may be requested by emailing Michael Morris at michamorri@pa.gov or calling him at 717-772-5670.

Written/typed comments will be accepted at the previously listed e-mail address. While emailed comments are preferable, written comments may also be sent by mail to:

Michael Morris, Water Program Specialist
Bureau of Clean Water
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Comments must be submitted within 30 days after publication of this notice in the August 12, 2023 issue of the *Pennsylvania Bulletin*. The Department will consider all written/typed comments submitted within the deadline prior to submitting the final TMDL document to EPA for approval.

[Pa.B. Doc. No. 23-1085. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 26(0690)101.1, Abandoned Mine Reclamation Project, Juniata West, Franklin Township, Fayette County. The principal items of work and approximate quantities include the following: implementation of the Erosion and Sediment Pollution Control Plan—rock construction entrance, 2 each; implementation of the Erosion and Sediment Pollution Control Plan—compost filter sock, 32" diameter, 1,800 linear feet; clearing and grubbing, 1 lump sum; grading, 16,060 cubic yards; and seeding—seed bed preparation, 6.3 acres.

This bid issued on July 28, 2023, and bids will be opened on August 31, 2023, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

This is a small construction business program bid opportunity.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1086. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Climate Change Advisory Committee Meeting Location Change

The Climate Change Advisory Committee (Committee) meeting scheduled for Tuesday, August 22, 2023, will be held in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, from 9 a.m. to 12 p.m. The meeting will also be held remotely by means of Microsoft Teams. Information will be provided on the Committee's webpage. Individuals

interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Lindsay Byron at lbyron@pa.gov or (717) 772-8951.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Climate Change," then "Climate Change Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 22, 2023, meeting can be directed to Lindsay Byron at lbyron@pa.gov or (717) 772-8951.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-8951 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,
Secretary

[Pa.B. Doc. No. 23-1087. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Stream Evaluation Reports; Available for Public Comment

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that the following Draft Stream Evaluation Reports are available for public comment for a 30-day comment period.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Aquashicola Creek	Monroe and Carbon	Lehigh River
Jones Creek	Susquehanna	Snake Creek
Hosensack Creek	Berks, Lehigh and Montgomery	Perkiomen Creek

The Aquashicola Creek evaluation was conducted in response to a petition from the Aquashicola/Pohopoco

Watershed Conservancy, which was accepted for further study by the Environmental Quality Board (Board) on December 21, 2010. This portion of the Aquashicola Creek basin is currently designated High Quality—Cold Water Fishes (CWF), Migratory Fishes (MF). The petition requests the Aquashicola Creek basin from the source to Buckwha Creek be redesignated to Exceptional Value.

The Jones Creek evaluation was conducted as part of ongoing monitoring and assessment efforts. The entire Jones Creek basin is currently designated CWF, MF.

The Hosensack Creek evaluation was conducted in response to a petition submitted by the Delaware Riverkeeper Network, Perkiomen Valley Trout Unlimited and Lower Milford Township, which was accepted for further study by the Board on April 21, 2015. The Hosensack Creek basin is currently designated CWF, MF from the headwaters to its confluence with Perkiomen Creek.

The draft reports are available for review on the Department's eComment web site at www.ahs.dep.pa.gov/eComment.

The Department has asked all relevant local jurisdictions to make a copy of this notification available to any and all interested citizens, including those who own real property in the relevant municipalities and to any other parties the municipalities believe may be interested in these evaluations and draft reports.

Interested persons may submit comments through Monday, September 11, 2023. Commentators are encouraged to submit comments using the Department's online eComment system at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments, including comments submitted by e-mail, must include the commentator's name and address. Comments submitted by facsimile will not be accepted. Comments received on the draft reports during the public comment period will be reviewed and considered in the Department's evaluation.

For further information, contact Mark Brickner, Water Quality Division, at mbrickner@pa.gov or (717) 787-9637. Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 can contact 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,
Secretary

[Pa.B. Doc. No. 23-1088. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of Erosion and Sediment Control General Permit (ESCGP-3) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities

Under 25 Pa. Code § 102.5(m) (relating to permit requirements), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), 58 Pa.C.S. §§ 3201—3274 (relating to develop-

ment), and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending for 15 months the availability of the current Erosion and Sediment Control General Permit (ESCGP-3) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

The existing ESCGP-3 will expire on October 6, 2023. By this notice, the Department is administratively extending ESCGP-3 to January 6, 2025. Persons that are operating under the ESCGP-3 may continue to operate until January 6, 2025, or the expiration date of coverage identified on the permit coverage approval page, whichever is later. Persons may also continue to seek coverage under the ESCGP-3 during this administrative extension or until the new ESCGP-4 is issued if that issuance occurs before January 6, 2025. The Department is extending the availability of this permit to adequately complete preparation of the issuance of ESCGP-4.

To access the ESCGP-3 Permit and related documents, visit <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=106> (select "Permit and Authorization Packages," then "Oil and Gas," then "AUTHORIZATION OF COVERAGE UNDER THE EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP-3) 8000-PM-OOGM0006").

Questions regarding ESCGP-3 should be directed to Joseph Kelly, Chief, Division of Well Development and Surface Activities at (717) 772-5991 or josephkel@pa.gov.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1089. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation Advisory Board Meeting; Date Change for the July 20, 2023 Meeting

The Mining and Reclamation Advisory Board's (Board) third quarterly meeting for 2023, which was originally scheduled for July 20, 2023, has been rescheduled. The meeting will be held from 10 a.m. to 12 p.m. on September 14, 2023, in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting must sign up in advance by contacting Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Mining and Reclamation Advisory Board," then "2023").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the September 14, 2023, meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 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,
Secretary

[Pa.B. Doc. No. 23-1090. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Stream Redesignation Evaluation of Brodhead Creek; Water Quality Standards Review; Data Solicitation Period Extension

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that evaluations will be conducted on the stream section listed in the following table to determine the proper protected use designation in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Brodhead Creek	Monroe	Delaware River

The evaluation of Brodhead Creek is being conducted in response to a rulemaking petition submitted to the Environmental Quality Board (Board) by the Brodhead Watershed Association. On November 15, 2022, the Board accepted the rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of

policy). The Brodhead Creek is currently designated High Quality—Cold Water Fishes, Migratory Fishes, as identified in 25 Pa. Code § 93.9c (relating to Drainage List C). The petitioner is requesting the basin be redesignated to Exceptional Value waters.

The petitions are available on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," then "2022 Meetings") or by contacting the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526.

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in these evaluations. These evaluations may lead to recommendations to the Board for redesignation.

An initial notice was published at 53 Pa.B. 2485 (May 6, 2023) with a 30-day comment period ending on June 6, 2023. Based on requests to extend the comment period, the Department is extending the comment period an additional 90 days. The extended comment period will close on Tuesday, September 5, 2023.

Interested persons may submit data through Tuesday, September 5, 2023. Persons are encouraged to submit information using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Data may be submitted to eComment by e-mail to ecomment@pa.gov. Data may also be submitted to mbrickner@pa.gov or Mark Brickner, Water Quality Division, Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark Brickner directly at (717) 787-9637 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,
Secretary

[Pa.B. Doc. No. 23-1091. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Interventional and Surgical Suites of Wilkes-Barre, LLC	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Northeast Regional Surgery Center	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 555.31(a) (relating to principle)
UPMC Altoona Surgery Center	28 Pa. Code § 553.31(b) (relating to administrative responsibilities)
	28 Pa. Code § 563.1 (relating to principle)
	28 Pa. Code § 563.2(a) and (b) (relating to organization and staffing)
UPMC Center for Reproductive Endocrinology and Infertility	28 Pa. Code § 553.31(a) and (b)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and relating to</i>	<i>Yr¹</i>
Allegheny Health Network Surgery Center—Bethel Park, LLC	A2.1-3.2.3.2 space requirements	18-O

¹ 2018 Year *FGI Regulations* were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 address. 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 23-1092. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 1, 2023, through July 31, 2023. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department’s decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
AHN North Fayette Ambulatory Surgery Center	§ 553.1 (relating to principle)	7/10/2023	Granted w/Conditions
Allegheny Health Network Endoscopy Center, Westmoreland	§ 553.1	7/10/2023	Granted w/Conditions
Allegheny Health Network Monroeville Surgery Center	§ 553.1	7/10/2023	Granted w/Conditions
Allegheny Health Network Surgery Center—Bethel Park, LLC	§ 553.1	7/10/2023	Granted w/Conditions
North Shore Endoscopy Center, LLC	§ 553.1	7/10/2023	Granted w/Conditions
Penn Highlands Dubois Endoscopy Center	§ 553.31(a) (relating to administrative responsibilities)	7/21/2023	Granted w/Conditions
Penn Highlands Dubois Surgery Center	§ 553.31(a)	7/20/2023	Granted w/Conditions
UPMC West Mifflin Surgery Center	§ 553.31(a)	7/10/2023	Granted w/Conditions
Wexford Surgery Center	§ 553.1	7/10/2023	Granted w/Conditions

NOTICES

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Allegheny Valley Hospital	§ 103.31 (relating to the chief executive officer)	7/10/2023	Granted w/Conditions
Crozer-Chester Medical Center	§ 153.1(a) (relating to minimum standards) 2.1-3.2.2.1(1) space requirements	7/10/2023	Granted
	§ 153.1(a) 2.1-3.2.2.2(c)(i) single-patient exam/observation room	7/10/2023	Granted
	§ 153.1(a) 2.1-3.5.10.2(2)(a) patient toilet room	7/10/2023	Granted
Forbes Hospital	§ 103.31	7/10/2023	Granted w/Conditions
Geisinger—Bloomsburg Hospital	§ 117.30(1) (relating to emergency paramedic services)	7/10/2023	Granted w/Conditions
Geisinger—Community Medical Center	§ 117.30(1)	7/10/2023	Granted w/Conditions
Geisinger—Lewistown Hospital	§ 117.30(1)	7/10/2023	Granted w/Conditions
Geisinger Jersey Shore Hospital	§ 117.30(1)	7/10/2023	Granted w/Conditions
Geisinger Medical Center	§ 117.30(1)	7/10/2023	Granted w/Conditions
Geisinger Medical Center Muncy	§ 117.30(1)	7/10/2023	Granted w/Conditions
Geisinger Wyoming Valley Medical Center	§ 117.30(1)	7/10/2023	Granted w/Conditions
Penn Highlands Dubois	§ 103.31	7/21/2023	Granted w/Conditions
Penn Highlands Mon Valley	§ 107.12(9) (relating to content of bylaws, rules and regulations)	7/10/2023	Granted w/Conditions
	§ 107.26(b)(1), (3), (5) and (6) (relating to additional committees)	7/10/2023	Granted w/Conditions
Penn Highlands Tyrone	§ 103.31	7/19/2023	Granted w/Conditions
	§ 153.1(a) 2.12-3.2.2.1(2)(b) individual therapy room	7/19/2023	Granted
	§ 153.1(a) 2.1-3.8.7.1(1) location	7/21/2023	Granted
	§ 153.1(a) 2.1-8.3.6 electrical receptacles	7/19/2023	Granted
Riddle Memorial Hospital	§ 153.1(a) 1.2-6.1.3 design criteria for acoustic surfaces	7/10/2023	Granted
Saint Luke's Hospital—Carbon Campus	§ 153.1(a) 2.2-2.6.2.2(2)(b) space requirements	7/10/2023	Granted
Saint Luke's Hospital of Bethlehem, Pennsylvania	§ 153.1(a) 2.2-3.1.2.2(1) entrance	7/10/2023	Granted
Thomas Jefferson University Hospitals, Inc.	§ 51.23 (relating to positron emission tomography)	7/21/2023	Granted w/Conditions
Warren General Hospital	§ 153.1(a) 2.1-6.2.3.3(1) public toilet room	7/25/2023	Granted
	§ 153.1(a) 2.1-7.2.2.1(1) corridor width	7/21/2023	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a) doors and door hardware	7/25/2023	Granted

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Pleasant Ridge Manor—West	§ 205.20(a) (relating to resident bedrooms)	07/03/2023	Granted
	§ 205.7 (relating to basement or cellar)	07/17/2023	Granted
Pleasant Valley Manor, Inc./Monroe County Home	§ 201.3 (relating to definitions)	07/03/2023	Granted

Home Health Agencies

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Dedicated Nursing Associates	§ 611.51(a)(1) (relating to hiring or rostering of direct care workers)	6/15/2023	Granted
Home Care Network Pennsylvania	§ 611.51(a)(1)	6/15/2023	Granted
Interim Healthcare Personal Care and Support Services of Duncansville	§ 611.51(a)(1)	6/15/2023	Granted
Interim Healthcare Personal Care and Support Services of Erie	§ 611.51(a)(1)	6/15/2023	Granted
Interim Healthcare Personal Care and Support Services of Johnstown	§ 611.51(a)(1)	6/15/2023	Granted
Interim Healthcare Personal Care and Support Services of Meadville	§ 611.51(a)(1)	6/15/2023	Granted
Interim Healthcare Personal Care and Support Services of Pittsburgh	§ 611.51(a)(1)	6/15/2023	Granted
Interim Healthcare Personal Care and Support Services of Somerset	§ 611.51(a)(1)	6/15/2023	Granted
Interim Healthcare Personal Care and Support Services of Uniontown	§ 611.51(a)(1)	6/15/2023	Granted
Living Care Home Services	§ 611.51(a)(1)	6/15/2023	Granted
Luvie's Helping Hands Home Care Agency	§ 611.51(a)(1)	6/15/2023	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone 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. 23-1093. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH**Hospitals; Requests for Exceptions**

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Conemaugh Meyersdale Medical Center	28 Pa. Code § 103.31 (relating to the chief executive officer)
	28 Pa. Code § 109.2(b) (relating to director of nursing services)
Conemaugh Miners Medical Center	28 Pa. Code § 103.31
	28 Pa. Code § 109.2(b)
Conemaugh Nason Medical Center	28 Pa. Code § 103.31
Doylestown Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography)
Geisinger Medical Center	28 Pa. Code § 107.64 (relating to administration of drugs)
Geisinger Medical Center Muncy	28 Pa. Code § 107.64
Geisinger Wyoming Valley Medical Center	28 Pa. Code § 107.64
Penn Highlands Brookville	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
Washington Health System Greene	28 Pa. Code § 101.31(5) (relating to hospital requirements)
Wellspan Surgery and Rehabilitation Hospital	28 Pa. Code § 103.33(a) and (b)(1)—(11) (relating to responsibilities)
UPMC Cole	28 Pa. Code § 107.62(a) and (b)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition* or the *Guidelines for Design and Construction of Hospitals—2022 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2022 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr^{1,2}</i>
Crozer-Chester Medical Center	2.1-3.2.2.2(3)(e) single-patient exam/observation room	22-O
Geisinger Wyoming Valley Medical Center	2.2-2.10.3.2(1)(a) and (b) and (2)(a)—(c) space requirements	22
	2.2-2.10.3.6 patient bathroom	22
Grand View Health	2.2-3.4.8.15(3) pre- and post-procedure patient care area	22
Reading Hospital	2.2-3.4.3.2(2)(a)(ii) and (2)(b) space requirements	22
The Robert Packer Hospital	2.2-3.10.2.2(2)(a)(i) and (ii) hemodialysis patient care stations	22
	2.2-3.10.4.1(2)(a) special patient care rooms	22
	2.2-3.10.8.11 clean workroom or supply room	22
	2.2-3.10.8.14(1) environmental services room	22
Thomas Jefferson University Hospitals, Inc.	2.1-3.2.3.7(3)(d) other design requirements	22-O

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

² 2022 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 address. 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, 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. 23-1094. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 204.9(d) (relating to bathing facilities):

Avalon Place
3410 West Pittsburg Road
New Castle, PA 16101
FAC ID # 194102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building) (this entry corrects the request published incorrectly at 53 Pa.B. 3904 (July 22, 2023)):

Saint John Specialty Care Center
P.O. Box 928
500 Wittenberg Way
Mars, PA 16046
FAC ID # 970802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.7 (relating to basement or cellar):

Fox Subacute at Mechanicsburg
120 South Filbert Street
Mechanicsburg, PA 17055
FAC ID # 22220201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1095. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Big Money Millionaire Instant Lottery Game 1650

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Big Money Millionaire (“Big Money Millionaire”). The game number is PA-1650.

2. *Price:* The price of a Big Money Millionaire instant lottery game ticket is \$20.

3. *Play symbols:* Each Big Money Millionaire instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “BIG MONEY BONUS” area featuring two “BIG MONEY BONUS” spots. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Money Roll (MONEY) symbol, 20X (20TIMES) symbol and a Safe (WINALL) symbol. The play symbols and their captions, located in the two “BIG MONEY BONUS” spots within the “BIG MONEY BONUS” area, are: NO BONUS (TRYAGAIN) symbol, TRY AGAIN (NOBONUS) symbol, NO BONUS (TRYAGAIN) symbol, TRY AGAIN (NOBONUS) symbol and a BIG (PLUS100) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$20^{.00} (TWENTY), \$30^{.00} (THIRTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000,

\$100,000 and \$1,000,000. Big Money Millionaire contains a feature that can multiply certain prizes. Big Money Millionaire also contains a feature that can increase certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 22 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 7,200,000 tickets will be printed for the Big Money Millionaire instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1MILL (ONE MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10,000 (TEN THO) appears in nine of the “prize” areas, a prize symbol of \$1,000 (ONE THO) appears in nine of the “prize” areas and a prize symbol of \$400 (FOR HUN) appears in two of the “prize” areas, and upon which a BIG (PLUS100) symbol appears in both “BIG MONEY BONUS” spots, on a single ticket, shall be entitled to a prize of \$100,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which a 20X (20TIMES) symbol appears in the “YOUR NUMBERS” area and a prize of \$500 (FIV HUN) appears in the “prize” area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in five of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in six of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in nine of the “prize” areas, and upon which a BIG (PLUS100) symbol appears in both “BIG MONEY BONUS” spots, on a single ticket, shall be entitled to a prize of \$10,000.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Money Roll (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which a 20X (20TIMES) play symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that 20X (20TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any five of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which a 20X (20TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that 20X (20TIMES) symbol, and upon which ten Money Roll (MONEY) symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under each of those Money Roll (MONEY) symbols, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any eight of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which a 20X (20TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 20X (20TIMES) symbol, and upon which a BIG (PLUS100) symbol appears in both “BIG MONEY BONUS” spots, on a single ticket, shall be entitled to a prize of \$1,000.

(l) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in six of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(m) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in 15 of the “prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in five of the “prize” areas, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$1,000.

(n) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the “prize” areas, and upon which a BIG (PLUS100) symbol appears in both “BIG MONEY BONUS” spots, on a single ticket, shall be entitled to a prize of \$1,000.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Money Roll (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(q) Holders of tickets upon which a 20X (20TIMES) play symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 20X (20TIMES) play symbol, and upon

which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$500.

(r) Holders of tickets upon which any two of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which any two of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which ten Money Roll (MONEY) symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under each of those Money Roll (MONEY) symbols, and upon which a BIG (PLUS100) symbol appears in both “BIG MONEY BONUS” spots, on a single ticket, shall be entitled to a prize of \$500.

(s) Holders of tickets upon which any four of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$500.

(t) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(u) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all 20 of the “prize” areas, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$500.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(w) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Money Roll (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$400.

(x) Holders of tickets upon which a 20X (20TIMES) play symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 20X (20TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(y) Holders of tickets upon which any five of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which two Money Roll (MONEY) symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under each of those Money Roll (MONEY) symbols, and upon which a BIG (PLUS100) symbol appears in both “BIG MONEY BONUS” spots, on a single ticket, shall be entitled to a prize of \$400.

(z) Holders of tickets upon which ten Money Roll (MONEY) symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under each of those Money Roll (MONEY) symbols, and upon which a BIG (PLUS100) symbol appears in both “BIG MONEY BONUS” spots, on a single ticket, shall be entitled to a prize of \$400.

(aa) Holders of tickets upon which any five of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which any one of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which five Money Roll (MONEY) symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under each of those Money Roll (MONEY) symbols, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$400.

(bb) Holders of tickets upon which any six of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$400.

(cc) Holders of tickets upon which a Safe (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20.⁰⁰ (TWENTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(dd) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(ee) Holders of tickets upon which a Money Roll (WIN200) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Money Roll (WIN200) symbol, on a single ticket, shall be entitled to a prize of \$200.

(ff) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Money Roll (MONEY) symbol, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$200.

(gg) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which any one of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under that Money Roll (MONEY) symbol, and upon which

a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$200.

(hh) Holders of tickets upon which any two of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which two Money Roll (MONEY) symbols appear in the “YOUR NUMBERS” area and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the “prize” area under each of those Money Roll (MONEY) symbols, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$200.

(ii) Holders of tickets upon which any two of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$200.

(jj) Holders of tickets upon which any five of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbols, and upon which a BIG (PLUS100) symbol appears in either “BIG MONEY BONUS” spot, on a single ticket, shall be entitled to a prize of \$200.

(kk) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(ll) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Money Roll (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(mm) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(nn) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under that Money Roll (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(oo) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(pp) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the “prize” area under that Money Roll (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$30.

(qq) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(rr) Holders of tickets upon which a Money Roll (MONEY) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in

the “prize” area under that Money Roll (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“BIG MONEY BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$20 w/ MONEY ROLL		\$20	20	360,000
\$20		\$20	21.43	336,000
\$30 w/ MONEY ROLL		\$30	21.43	336,000
\$30		\$30	30	240,000
\$30 + \$20		\$50	300	24,000
(\$20 w/ MONEY ROLL) + \$30		\$50	75	96,000
(\$30 w/ MONEY ROLL) + \$20		\$50	75	96,000
\$50 w/ MONEY ROLL		\$50	30	240,000
\$50		\$50	300	24,000
\$20 × 5		\$100	300	24,000
\$50 × 2		\$100	300	24,000
(\$30 × 2) + (\$20 × 2)		\$100	300	24,000
(\$30 w/ MONEY ROLL) + (\$20 × 2) + \$30		\$100	300	24,000
(\$50 w/ MONEY ROLL) + (\$30 w/ MONEY ROLL) + \$20		\$100	150	48,000
(\$50 w/ MONEY ROLL) × 2		\$100	150	48,000
\$100 w/ MONEY ROLL		\$100	150	48,000
\$100		\$100	300	24,000
\$20 × 10		\$200	12,000	600
\$100 × 2		\$200	12,000	600
\$20 × 5	\$100 w/ BIG	\$200	857.14	8,400
\$50 × 2	\$100 w/ BIG	\$200	857.14	8,400
(((\$30 w/ MONEY ROLL) × 2) + (\$20 × 2))	\$100 w/ BIG	\$200	857.14	8,400
(\$50 w/ MONEY ROLL) + \$30 + \$20	\$100 w/ BIG	\$200	857.14	8,400
\$100 w/ MONEY ROLL	\$100 w/ BIG	\$200	400	18,000
\$200 w/ MONEY ROLL		\$200	12,000	600
\$200		\$200	6,000	1,200
SAFE w/ (\$20 × 20)		\$400	2,400	3,000
\$50 × 6	\$100 w/ BIG	\$400	120,000	60
(((\$20 w/ MONEY ROLL) × 5) + (\$20 × 5) + \$100)	\$100 w/ BIG	\$400	24,000	300
(\$20 w/ MONEY ROLL) × 10	(\$100 w/ BIG) × 2	\$400	24,000	300
(((\$50 w/ MONEY ROLL) × 2) + (\$20 × 5))	(\$100 w/ BIG) × 2	\$400	24,000	300
\$20 w/ 20X		\$400	800	9,000
\$400 w/ MONEY ROLL		\$400	120,000	60
\$400		\$400	120,000	60

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"BIG MONEY BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
SAFE w/ (\$20 × 20)	\$100 w/ BIG	\$500	6,000	1,200
SAFE w/ ((\$30 × 10) + (\$20 × 10))		\$500	6,000	1,200
\$100 × 4	\$100 w/ BIG	\$500	120,000	60
(((\$20 w/ MONEY ROLL) × 10) + (\$30 × 2) + (\$20 × 2))	(\$100 w/ BIG) × 2	\$500	120,000	60
\$20 w/ 20X	\$100 w/ BIG	\$500	12,000	600
\$500 w/ MONEY ROLL		\$500	120,000	60
\$500		\$500	120,000	60
SAFE w/ ((\$50 × 10) + (\$30 × 10))	(\$100 w/ BIG) × 2	\$1,000	12,000	600
SAFE w/ ((\$50 × 15) + (\$30 × 5))	\$100 w/ BIG	\$1,000	12,000	600
SAFE w/ ((\$100 × 6) + (\$50 × 4) + (\$20 × 10))		\$1,000	12,000	600
\$200 × 5		\$1,000	120,000	60
(\$20 w/ 20X) + (\$50 × 8)	(\$100 w/ BIG) × 2	\$1,000	120,000	60
(\$30 w/ 20X) + ((\$20 w/ MONEY ROLL) × 10) + (\$20 × 5)	\$100 w/ BIG	\$1,000	12,000	600
\$50 w/ 20X		\$1,000	12,000	600
\$1,000 w/ MONEY ROLL		\$1,000	120,000	60
\$1,000		\$1,000	120,000	60
SAFE w/ ((\$1,000 × 5) + (\$500 × 6) + (\$200 × 9))	(\$100 w/ BIG) × 2	\$10,000	1,440,000	5
\$500 w/ 20X		\$10,000	1,440,000	5
\$10,000		\$10,000	1,440,000	5
SAFE w/ ((\$10,000 × 9) + (\$1,000 × 9) + (\$400 × 2))	(\$100 w/ BIG) × 2	\$100,000	1,440,000	5
\$100,000		\$100,000	1,440,000	5
\$1,000,000		\$1,000,000	1,440,000	5

Reveal a "Money Roll" (MONEY) symbol, win prize shown under that symbol automatically.

Reveal a "20X" (20TIMES) symbol, win 20 TIMES the prize shown under that symbol.

Reveal a "Safe" (WINALL) symbol, win all 20 prizes shown!

BIG MONEY BONUS: When there is a winning match in the YOUR NUMBERS area and a "BIG" (PLUS100) symbol appears in either BIG MONEY BONUS spot, add \$100 to the TOTAL WON and win that amount! BIG MONEY BONUS cannot be won alone.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Big Money Millionaire instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not

exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Big Money Millionaire, prize money from winning Big Money Millionaire instant lottery game tickets will be retained by the Secretary for

payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Big Money Millionaire instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Big Money Millionaire or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1096. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash Money Instant Lottery Game 1653

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Money (“Cash Money”). The game number is PA-1653.

2. *Price:* The price of a Cash Money instant lottery game ticket is \$2.

3. *Play symbols:* Each Cash Money instant lottery game ticket will contain a play area featuring a “GAME 1” area and a “GAME 2” area. The “GAME 1” area contains nine play symbols in a 3 X 3 grid and a “PRIZE” area. The “GAME 2” area contains one play area consisting of a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. Each “GAME” is played separately. The play symbols and their captions, located in the “GAME 1” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and a CASH (CASH) symbol. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area within the “GAME 2” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV).

4. *Prize Symbols:* The prize symbols and their captions, located in the “PRIZE” area within the “GAME 1” area, are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO). The prize symbols and their captions, located in the “GAME 2” area, are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR

DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in “GAME 1” and “GAME 2,” are: \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$200, \$400, \$1,000 and \$20,000. A player can win up to eight times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Cash Money instant lottery game.

7. *Determination of prize winners:*

(a) Determination of prize winners for holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal in the “GAME 1” area, are:

(1) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$20,000 (TWY THO) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$20,000.

(2) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$1,000 (ONE THO) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$400 (FOR HUN) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$400.

(4) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$200 (TWO HUN) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$200.

(5) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$100.

(6) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$40⁰⁰ (FORTY) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$5.

(10) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$4.

(11) Holders of tickets upon which three CASH (CASH) symbols appear in any row, column or diagonal and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “PRIZE” area, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either “WINNING NUMBERS” play symbol in the “GAME 2” area, are:

(1) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20,000 (TWY THO) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(2) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(4) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(5) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(6) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰

(FORTY) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(10) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(11) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “Prize” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>“GAME 1” Win With:</i>	<i>“GAME 2” Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
	\$2	\$2	20	420,000
\$2		\$2	20	420,000
\$2	\$2	\$4	50	168,000
	\$4	\$4	75	112,000
\$4		\$4	75	112,000
	\$5	\$5	57.69	145,600
\$5		\$5	57.69	145,600
\$2	\$2 × 4	\$10	300	28,000
\$4	\$2 × 3	\$10	300	28,000
\$5	\$5	\$10	150	56,000
	\$5 × 2	\$10	300	28,000
	\$10	\$10	300	28,000
\$10		\$10	150	56,000
\$2	(\$4 × 2) + (\$2 × 5)	\$20	1,500	5,600
\$2	(\$5 × 2) + (\$2 × 2) + \$4	\$20	1,500	5,600
\$4	(\$2 × 6) + \$4	\$20	1,500	5,600
\$5	(\$4 × 2) + \$5 + \$2	\$20	1,500	5,600

<i>“GAME 1” Win With:</i>	<i>“GAME 2” Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$10	\$2 × 5	\$20	1,500	5,600
\$10	\$5 × 2	\$20	300	28,000
	\$10 × 2	\$20	750	11,200
	\$20	\$20	750	11,200
\$20		\$20	250	33,600
\$4	(\$10 × 2) + (\$5 × 2) + (\$2 × 3)	\$40	2,667	3,150
\$5	\$5 × 7	\$40	4,000	2,100
\$10	(\$10 × 2) + (\$2 × 5)	\$40	4,000	2,100
\$20	\$4 × 5	\$40	6,000	1,400
	\$10 × 4	\$40	6,000	1,400
	\$20 × 2	\$40	6,000	1,400
	\$40	\$40	6,000	1,400
\$40		\$40	6,000	1,400
\$5	(\$20 × 3) + (\$10 × 3) + \$5	\$100	8,000	1,050
\$20	(\$10 × 4) + \$40	\$100	8,000	1,050
\$20	\$20 × 4	\$100	8,000	1,050
\$40	\$10 × 6	\$100	8,000	1,050
\$40	(\$20 × 2) + (\$4 × 5)	\$100	8,000	1,050
\$40	\$40 + \$20	\$100	6,000	1,400
	\$100	\$100	6,000	1,400
\$100		\$100	6,000	1,400
\$100	(\$20 × 4) + (\$5 × 2) + \$10	\$200	60,000	140
	\$100 × 2	\$200	60,000	140
	\$200	\$200	60,000	140
\$200		\$200	60,000	140
\$200	(\$40 × 4) + (\$10 × 2) + \$20	\$400	120,000	70
	\$400	\$400	120,000	70
\$400		\$400	120,000	70
\$400	\$200 × 3	\$1,000	840,000	10
	\$1,000	\$1,000	840,000	10
\$1,000		\$1,000	840,000	10
	\$20,000	\$20,000	1,680,000	5
\$20,000		\$20,000	1,680,000	5

GAME 1: Reveal three “CA\$H” (CASH) symbols in a row, column or diagonal, win PRIZE shown for that GAME.

GAME 2: When any of YOUR NUMBERS match either WINNING NUMBER, win PRIZE shown to the right of the matching number.

Each GAME is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Cash Money instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled

only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Cash Money, prize money from winning Cash Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Cash Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Cash Money or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1097. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Double Your Dollars Instant Lottery Game 1652

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Double Your Dollars (“Double Your Dollars”). The game number is PA-1652.

2. *Price:* The price of a Double Your Dollars instant lottery game ticket is \$3.

3. *Play symbols:* Each Double Your Dollars instant lottery game ticket will contain one play area featuring a “YOUR NUMBERS” area, a “WINNING NUMBER” area, a “DOUBLER NUMBER” area, a “PRIZE” area, a “\$20 BONUS” spot and a “\$200 BONUS” spot. The play area, including the “YOUR NUMBERS” area, the “WINNING NUMBER” area and the “PRIZE” area, is divided into nine separate “ROWS.” Each “ROW” is played separately. The “BONUS” spots are played separately. The play symbols and their captions, located in the “YOUR NUMBERS” area, the “WINNING NUMBER” area and the “DOUBLER NUMBER” area for each “ROW” are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26

(TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “\$20 BONUS” spot and the “\$200 BONUS” spot, are: TRY AGAIN (NOMULT) symbol, NO MULT (TRYAGAIN) symbol, TRY AGAIN (NOMULT) symbol, NO MULT (TRYAGAIN) symbol, TRY AGAIN (NOMULT) symbol, NO MULT (TRYAGAIN) symbol, TRY AGAIN (NOMULT) symbol, NO MULT (TRYAGAIN) symbol, TRY AGAIN (NOMULT) symbol, NO MULT (TRYAGAIN) symbol and a DOUBLE (2TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “PRIZE” area for each “ROW” are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$400, \$1,000 and \$50,000. Double Your Dollars contains a feature that can multiply certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to ten times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 9,600,000 tickets will be printed for the Double Your Dollars instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$50,000 (FTY THO) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$1,000 (ONE THO) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$400 (FOR HUN) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$200 (TWO HUN) appears in the “PRIZE” area for “ROW,” on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which a DOUBLE (2TIMES) symbol appears in the “\$200 BONUS” spot, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$200 (TWO HUN) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$50.00 (FIFTY) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$40.00 (FORTY) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$80.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$50.00 (FIFTY) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$40.00 (FORTY) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$20.00 (TWENTY) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which a DOUBLE (2TIMES) symbol appears in the “\$20 BONUS” spot, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$15.00 (FIFTEEN) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol

of \$20.00 (TWENTY) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$10.00 (TEN DOL) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$15.00 (FIFTEEN) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$10.00 (TEN DOL) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$5.00 (FIV DOL) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “DOUBLER NUMBER” play symbol in the same “ROW” and a prize symbol of \$3.00 (THR DOL) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$6.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$5.00 (FIV DOL) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol in the same “ROW” and a prize symbol of \$3.00 (THR DOL) appears in the “PRIZE” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$3.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match The WINNING NUMBER In The Same ROW, Win PRIZE Shown For That ROW. Win With:</i>	<i>“BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$3		\$3	9.09	1,056,000
\$5		\$5	16.67	576,000
\$5 w/ DOUBLER NUMBER		\$10	100	96,000
\$10		\$10	100	96,000
\$3 × 5		\$15	1,000	9,600
\$5 × 3		\$15	1,000	9,600

<i>When Any Of YOUR NUMBERS Match The WINNING NUMBER In The Same ROW, Win PRIZE Shown For That ROW. Win With:</i>	<i>"BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
(\$5 w/ DOUBLER NUMBER) + \$5		\$15	111.11	86,400
\$15		\$15	1,000	9,600
\$5 × 4		\$20	1,000	9,600
(((\$3 w/ DOUBLER NUMBER) × 2) + \$5 + \$3		\$20	333.33	28,800
(\$5 w/ DOUBLER NUMBER) × 2		\$20	333.33	28,800
\$10 w/ DOUBLER NUMBER		\$20	333.33	28,800
\$20		\$20	1,000	9,600
\$10 × 4		\$40	1,000	9,600
(\$10 w/ DOUBLER NUMBER) + (\$3 × 5) + \$5		\$40	1,000	9,600
(\$15 w/ DOUBLER NUMBER) + (\$5 w/ DOUBLER NUMBER)		\$40	1,000	9,600
	\$20 BONUS w/ DOUBLE	\$40	250	38,400
\$20 w/ DOUBLER NUMBER		\$40	1,000	9,600
\$40		\$40	1,000	9,600
\$10 × 5		\$50	12,000	800
\$5 × 2	\$20 BONUS w/ DOUBLE	\$50	4,000	2,400
\$10	\$20 BONUS w/ DOUBLE	\$50	4,000	2,400
\$5 w/ DOUBLER NUMBER	\$20 BONUS w/ DOUBLE	\$50	2,400	4,000
(((\$10 w/ DOUBLER NUMBER) × 2) + \$10		\$50	12,000	800
(\$15 w/ DOUBLER NUMBER) + (\$5 w/ DOUBLER NUMBER) + (\$5 × 2)		\$50	6,000	1,600
(\$20 w/ DOUBLER NUMBER) + (\$5 w/ DOUBLER NUMBER)		\$50	12,000	800
\$50		\$50	12,000	800
\$50 × 2		\$100	24,000	400
(((\$3 w/ DOUBLER NUMBER) × 5) + (\$10 × 2) + (\$5 × 2)	\$20 BONUS w/ DOUBLE	\$100	12,000	800
(((\$10 w/ DOUBLER NUMBER) × 2) + (\$5 × 4)	\$20 BONUS w/ DOUBLE	\$100	12,000	800
(\$15 w/ DOUBLER NUMBER) × 2	\$20 BONUS w/ DOUBLE	\$100	6,000	1,600
(\$20 w/ DOUBLER NUMBER) + ((\$5 w/ DOUBLER NUMBER) × 2)	\$20 BONUS w/ DOUBLE	\$100	6,000	1,600
(\$40 w/ DOUBLER NUMBER) + (\$10 w/ DOUBLER NUMBER)		\$100	12,000	800
\$50 w/ DOUBLER NUMBER		\$100	12,000	800
\$100		\$100	24,000	400
\$100 × 2		\$200	60,000	160
(((\$10 w/ DOUBLER NUMBER) × 5) + \$100		\$200	40,000	240

<i>When Any Of YOUR NUMBERS Match The WINNING NUMBER In The Same ROW, Win PRIZE Shown For That ROW. Win With:</i>	<i>"BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
(\$20 w/ DOUBLER NUMBER) × 4	\$20 BONUS w/ DOUBLE	\$200	40,000	240
(\$40 w/ DOUBLER NUMBER) + (\$20 w/ DOUBLER NUMBER) + (\$5 × 6) + \$10	\$20 BONUS w/ DOUBLE	\$200	40,000	240
(\$50 w/ DOUBLER NUMBER) + (\$20 w/ DOUBLER NUMBER) + (\$10 w/ DOUBLER NUMBER)	\$20 BONUS w/ DOUBLE	\$200	40,000	240
(\$50 w/ DOUBLER NUMBER) + (\$20 × 3)	\$20 BONUS w/ DOUBLE	\$200	40,000	240
\$100 w/ DOUBLER NUMBER		\$200	60,000	160
\$200		\$200	60,000	160
\$200 × 2		\$400	60,000	160
(\$100 w/ DOUBLER NUMBER) + (\$50 w/ DOUBLER NUMBER) + (\$20 × 3)	\$20 BONUS w/ DOUBLE	\$400	60,000	160
	\$200 BONUS w/ DOUBLE	\$400	3,529	2,720
\$200 w/ DOUBLER NUMBER		\$400	60,000	160
\$400		\$400	60,000	160
(((\$100 w/ DOUBLER NUMBER) × 2) + ((\$50 w/ DOUBLER NUMBER) × 2))	\$200 BONUS w/ DOUBLE	\$1,000	120,000	80
(\$200 w/ DOUBLER NUMBER) + (\$100 w/ DOUBLER NUMBER)	\$200 BONUS w/ DOUBLE	\$1,000	120,000	80
\$1,000		\$1,000	120,000	80
\$50,000		\$50,000	960,000	10

When any of YOUR NUMBERS match the DOUBLER NUMBER in the same ROW, DOUBLE the PRIZE shown for that ROW. Each ROW is played separately.

BONUS: Reveal a "DOUBLE" (2TIMES) symbol in either BONUS spot, DOUBLE the prize for that spot! BONUS spots are played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Double Your Dollars instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of

at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of the Double Your Dollars, prize money from winning Double Your Dollars instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Double Your Dollars instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Double Your Dollars or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1098. Filed for public inspection August 11, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania PRESS YOUR LUCK® Instant Lottery Game 1651

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania PRESS YOUR LUCK® (“PRESS YOUR LUCK®”). The game number is PA-1651.

2. *Price:* The price of a PRESS YOUR LUCK® instant lottery game ticket is \$5.

3. *Play symbols:* Each PRESS YOUR LUCK® instant lottery game ticket will contain one play area featuring 14 spots and a “WIN BIG” area containing a “WIN BIG TURN 1” spot and a “WIN BIG TURN 2” spot. The “WIN BIG” area is played separately. The play symbols and their captions, located in the play area, are: PASS (PASS) symbol, Camera (CAMERA) symbol, Bags (BAGS) symbol, City (CITY) symbol, Palm Trees (PALMS) symbol, Airplane (PLANE) symbol, Stadium (STADIUM) symbol, Roses (ROSES) symbol, Surfboard (SURF) symbol, Sports Car (CAR) symbol, Bicycle (BIKE) symbol, Desert (DESERT) symbol, House (HOUSE) symbol, Stacks of Cash (CASH) symbol, Cruise Ship (SHIP) symbol, Watch (WATCH) symbol, STOP (WNPRZ) symbol, 5X (5TIMES) symbol and a Whammy (WHAMMY) symbol. The play symbols and their captions, located in the “WIN BIG TURN 1” and “WIN BIG TURN 2” spots within the “WIN BIG” area, are: TRY AGAIN (NOBONUS) symbol, NO BONUS (TRYAGAIN) symbol, TRY AGAIN (NOBONUS) symbol, NO BONUS (TRYAGAIN) symbol, TRY AGAIN (NOBONUS) symbol, NO BONUS (TRYAGAIN) symbol and a BIG BUCKS (BUCKS) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$200,000 (TWOHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000, \$5,000 and \$200,000. The prizes that can be won in the “WIN BIG” area, are: \$50, \$100, \$250, \$500 and \$1,000. PRESS YOUR LUCK® contains a feature that can multiply the prize won. For a complete list of prizes, and how those

prizes can be won, see section 9 (relating to number and description of prizes and approximate odds). A player can win up to 16 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the PRESS YOUR LUCK® instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct one PRESS YOUR LUCK® Second-Chance Drawing for which non-winning PRESS YOUR LUCK® instant lottery game tickets may be eligible as provided for in section 10.

8. *Determination of prize winners:*

(a) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$200,000 (TWOHUNTHO) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$200,000.

(b) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$1,000 (ONE THO) appears in two of the “prize” areas, a prize symbol of \$250 (TWOHUNFTY) appears in two of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,250.

(e) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a BIG BUCKS (BUCKS) symbol appears in either the “WIN BIG TURN 1” or the “WIN BIG TURN 2” spot within the “WIN BIG” area and the biggest prize shown in any of the 14 “prize” areas in the play area is \$1,000 (ONE THO), on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$250 (TWOHUNFTY) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in three of the “prize” areas, a prize symbol of \$25⁰⁰ (TWY FIV) appears in seven of the “prize” areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in one of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in 12 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(i) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of

\$500 (FIV HUN) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a BIG BUCKS (BUCKS) symbol appears in either the “WIN BIG TURN 1” or the “WIN BIG TURN 2” spot within the “WIN BIG” area and the biggest prize shown in any of the 14 “prize” areas in the play area is \$500 (FIV HUN), on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$100 (ONE HUN) appears in four of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$300.

(n) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets upon which a BIG BUCKS (BUCKS) symbol appears in either the “WIN BIG TURN 1” or the “WIN BIG TURN 2” spot within the “WIN BIG” area and the biggest prize shown in any of the 14 “prize” areas in the play area is \$250 (TWOHUNFTY), on a single ticket, shall be entitled to a prize of \$250.

(q) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in eight of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$250.

(r) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$25⁰⁰ (TWY FIV) appears in four of the “prize” areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the “prize” areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the prize areas, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in 11 of the “prize” areas, a prize symbol of \$50⁰⁰

(FIFTY) appears in one of the “prize” areas, a prize symbol of \$25⁰⁰ (TWY FIV) appears in one of the “prize” areas and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$125.

(u) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which a BIG BUCKS (BUCKS) symbol appears in either the “WIN BIG TURN 1” or the “WIN BIG TURN 2” spot within the “WIN BIG” area and the biggest prize shown in any of the 14 “prize” areas in the play area is \$100 (ONE HUN), on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which no Whammy (WHAMMY) symbol appears in any of the 14 spots in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in six of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$75.

(z) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which a BIG BUCKS (BUCKS) symbol appears in either the “WIN BIG TURN 1” or the “WIN BIG TURN 2” spot within the “WIN BIG” area and the biggest prize shown in any of the 14 “prize” areas in the play area is \$50⁰⁰ (FIFTY), on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$25.

(dd) Holders of tickets upon which a 5X (5TIMES) symbol appears in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(ee) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$15.

(ff) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets upon which a STOP (WNPRZ) symbol appears in the play area and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that STOP (WNPRZ) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Reveal A “STOP” (WNPRZ) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>“WIN BIG”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5		\$5	9.52	1,134,000
\$10		\$10	17.14	630,000
\$5 × 3		\$15	300	36,000
\$10 + \$5		\$15	60	180,000
\$15		\$15	300	36,000
\$5 × 5		\$25	600	18,000
(\$10 × 2) + \$5		\$25	200	54,000
\$5 w/ 5X		\$25	75	144,000
\$25		\$25	600	18,000
\$10 × 5		\$50	600	18,000
(\$5 w/ 5X) + (\$5 × 2) + \$15		\$50	600	18,000
(\$5 w/ 5X) × 2		\$50	600	18,000
	\$50 w/ BIG BUCKS	\$50	200	54,000
\$10 w/ 5X		\$50	600	18,000
\$50		\$50	600	18,000
NO WHAMMIES WINALL w/ ((\$10 × 6) + (\$5 × 8))		\$100	923.08	11,700
NO WHAMMIES WINALL w/ ((\$15 × 2) + (\$10 × 2) + (\$5 × 10))		\$100	923.08	11,700
\$25 × 4		\$100	24,000	450
\$50 × 2		\$100	24,000	450
(\$5 w/ 5X) + (\$5 × 2) + \$15	\$50 w/ BIG BUCKS	\$100	12,000	900
\$10 w/ 5X	\$50 w/ BIG BUCKS	\$100	12,000	900
(\$15 w/ 5X) + (\$5 w/ 5X)		\$100	12,000	900
	(\$50 w/ BIG BUCKS) × 2	\$100	8,000	1,350
	\$100 w/ BIG BUCKS	\$100	6,000	1,800
\$100		\$100	24,000	450
NO WHAMMIES WINALL w/ ((\$10 × 11) + \$50 + \$25 + \$15)	\$50 w/ BIG BUCKS	\$250	2,667	4,050
NO WHAMMIES WINALL w/ ((\$25 × 4) + (\$5 × 8) + \$50 + 10)	\$50 w/ BIG BUCKS	\$250	2,667	4,050
NO WHAMMIES WINALL w/ ((\$50 × 2) + (\$15 × 8) + (\$10 × 2) + (\$5 × 2))		\$250	60,000	180
\$50 × 5		\$250	60,000	180
(\$25 w/ 5X) + (\$5 × 2) + \$15	(\$50 w/ BIG BUCKS) × 2	\$250	10,000	1,080
	\$250 w/ BIG BUCKS	\$250	12,000	900
\$50 w/ 5X		\$250	24,000	450

<i>Reveal A "STOP" (WNPRZ) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>"WIN BIG":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$250		\$250	60,000	180
NO WHAMMIES WINALL w/ ((\$100 × 2) + (\$10 × 8) + (\$5 × 4))	(\$100 w/ BIG BUCKS) × 2	\$500	12,000	900
NO WHAMMIES WINALL w/ ((\$100 × 4) + (\$10 × 10))		\$500	12,000	900
\$100 × 5		\$500	120,000	90
	\$500 w/ BIG BUCKS	\$500	12,000	900
\$100 w/ 5X		\$500	24,000	450
\$500		\$500	120,000	90
NO WHAMMIES WINALL w/ ((\$100 × 2) + (\$50 × 12))	(\$100 w/ BIG BUCKS) × 2	\$1,000	1,080,000	10
NO WHAMMIES WINALL w/ ((\$250 × 2) + (\$100 × 3) + (\$25 × 7) + \$15 + \$10)		\$1,000	1,080,000	10
\$250 × 4		\$1,000	1,080,000	10
(\$100 w/ 5X) + ((\$10 w/ 5X) × 4) + (\$25 × 3) + \$15 + \$10	(\$100 w/ BIG BUCKS) × 2	\$1,000	1,080,000	10
	\$1,000 w/ BIG BUCKS	\$1,000	540,000	20
\$1,000		\$1,000	1,080,000	10
NO WHAMMIES WINALL w/ ((\$1,000 × 2) + (\$250 × 2) + (\$50 × 10))	(\$1,000 w/ BIG BUCKS) × 2	\$5,000	1,080,000	10
(((\$250 w/ 5X) × 3) + (\$50 w/ 5X))	\$1,000 w/ BIG BUCKS	\$5,000	1,080,000	10
\$5,000		\$5,000	1,080,000	10
\$200,000		\$200,000	1,080,000	10

Reveal a "5X" (5TIMES) symbol, win 5 TIMES the prize shown under that symbol.

NO WHAMMIES WINALL: If a "Whammy" (WHAMMY) symbol is not revealed in any spot in the play area, win all 14 prizes shown!

WIN BIG: Reveal a "BIG BUCKS" (BUCKS) symbol in either TURN, win the BIGGEST prize shown in any spot in the play area automatically! WIN BIG is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* The PRESS YOUR LUCK® Second-Chance Drawing from the Pennsylvania Lottery ("Lottery") for qualifying instant lottery game tickets ("Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1651 PRESS YOUR LUCK® (\$5) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.pailottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.pailottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be

awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(7) Only one claimant per entry is allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one PRESS YOUR LUCK® Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. August 13, 2023, through 11:59:59 p.m. October 19, 2023, will be entered into the Drawing tentatively scheduled to be held between October 20, 2023 and November 3, 2023.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1651 PRESS YOUR LUCK® (\$5) = five entries.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$75,000, less required income tax withholding.

(ii) The second through the fifty-first entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and one replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell PRESS YOUR LUCK® instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of PRESS YOUR LUCK®, prize money from winning PRESS YOUR LUCK® instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the PRESS YOUR LUCK® instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote PRESS YOUR LUCK® or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1099. Filed for public inspection August 11, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Mark A. Bittcher and Mark's Notary & Tax Service under Act 143; Allegany Insurance Group and Conemaugh Valley Mutual Insurance Company; Doc. No. AT23-06-010

Mark A. Bittcher and Mark's Notary & Tax Service has requested review of an agency contract termination by Allegany Insurance Group and Conemaugh Valley Mutual Insurance Company under sections 1—6 of The Insurance Department Act of 1921 (40 P.S. §§ 241—246).

A pre-review telephone conference initiated by this office is scheduled for August 30, 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 August 28, 2023. A date for a review shall be determined, if necessary, at the pre-review conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before August 16, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before August 28, 2023.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the review, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1100. Filed for public inspection August 11, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

Swiss Reinsurance Company Ltd. (SRZ) has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth. The application was received on November 30, 2022, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the

application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Monique Miller, Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, monmiller@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1101. Filed for public inspection August 11, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

Validus Reinsurance, Ltd. has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth. The application was received on December 20, 2022, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Monique Miller, Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, monmiller@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1102. Filed for public inspection August 11, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Dean James Vagnozzi; License Denial Appeal; Doc. No. AG23-07-029

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Dean James Vagnozzi has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for September 6, 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 September 1, 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 August 23, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before September 1, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1103. Filed for public inspection August 11, 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 August 28, 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 August 28, 2023. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the 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-2023-3041915. Wynn Transit, LLC (4402 Aldine Street, Philadelphia, Philadelphia County, PA 19136) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2023-3041968. Guardian Transport Solutions, LLC (26 Longview Drive, Mechanicsburg, Cumberland County, PA 17050) for the right to begin to transport, as a common carrier, by motor vehicle in wheelchair and stretcher vans, persons in paratransit service, between points in the Counties of Adams, Clearfield, Cumberland,

Dauphin, Elk, Jefferson, Lancaster and York, to points in Pennsylvania, and return. *Attorney:* Kenneth R. Stark, Esquire, McNees Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2023-3038475. Tribe Moving, LLC (2482 Hay Creek Road, Birdsboro, Berks County, PA 19508) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Berks County, not in excess of 40 miles.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1104. Filed for public inspection August 11, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due August 28, 2023, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission;
Bureau of Investigation and Enforcement v.
C P Trucking, Inc.;**
Docket No. C-2023-3034372

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That C P Trucking, Inc., Respondent, maintains a principal place of business at 1201 Lord Road, Fairview, PA 16415.

2. On August 3, 2022, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation, as a common carrier, by motor vehicle, property, excluding household goods in use, between points in Pennsylvania at PUC utility code no. 8925366 at A-2022-3033651. Respondent was further advised Certificate holder is

advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the *Pennsylvania Code* may be accessed on the World Wide Web at www.pacode.com.

3. On October 3, 2022, a letter was sent from the Western Regional Office to the respondent to contact PA PUC Enforcement Officer David Gill within 10 days. The letter was picked up at Fairview, PA, post office on October 17, 2022. Officer Gill attempted several times to contact the Respondent by phone and left a detailed message to contact the officer. Each of these attempts the respondent has failed to respond.

4. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa.C.S. § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925366.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued to C P Trucking, Inc., at PUC utility code no. 8925366.

Respectfully submitted,
Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date:

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located

under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1105. Filed for public inspection August 11, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3041970. Verizon Pennsylvania, LLC and Earthgrid PBC. Joint petition of Verizon Pennsylvania, LLC and Earthgrid PBC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Earthgrid PBC, by their counsel, filed on July 31, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Earthgrid PBC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kimberly Hafner, Director, Office of Special Assistants, (717) 705-3822.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1106. Filed for public inspection August 11, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2023-3041974. Verizon North, LLC and Earthgrid PBC. Joint petition of Verizon North, LLC and Earthgrid PBC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Earthgrid PBC, by their counsel, filed on July 31, 2023, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Earthgrid PBC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kimberly Hafner, Director, Office of Special Assistants, (717) 705-3822.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1107. Filed for public inspection August 11, 2023, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than August 28, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-23-07-08. MNH Trans, Inc. (7404 Algon Avenue, Apartment B, Philadelphia, PA 19111): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

Doc. No. A-23-08-02. Wub Cab, Inc. (6841 Chester Avenue, Philadelphia, PA 19142): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City

of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-23-08-03. Sanjay's Limousine, Inc. (3600 Conshohocken Avenue, Apartment 1706, Philadelphia, PA 19131): An application for a limousine CPC to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-1108. Filed for public inspection August 11, 2023, 9:00 a.m.]