

PENNSYLVANIA BULLETIN

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(Master Transmittal Sheet):**

No. 586, September 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 GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [204 PA. CODE CHS. 303 AND 303a]

Adopted 8th Edition Sentencing Guidelines; Correction

An error occurred in Annex B under § 303a.9 published at 53 Pa.B. 5361 (August 26, 2023). The wrong offense was indicated to be deleted. Annex B is corrected as follows. The remainder of Annex B was accurate as published.

Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS PART VIII. CRIMINAL SENTENCING

CHAPTER 303a. SENTENCING GUIDELINES, 8TH EDITION

§ 303a.9. Offense listing (OGS/POG assignments).

* * * * *

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3925(a)*	Theft by receiving stolen property (motorized vehicle)	F-3	9	POG2	

* * * * *

[Pa.B. Doc. No. 23-1237. Filed for public inspection September 15, 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 007					
007	Aug 4	H1100	PN1740	60 days	Taxpayer Relief Act—supplemental senior citizen tax reduction, property tax and rent rebate and filing of claim
2023 Appropriation Acts of Regular Session Enacted—Act 001A					
001A	Aug 3	H0611	PN1811	Immediately	General Appropriation Act of 2023—enactment—line item veto

* 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. 23-1238. Filed for public inspection September 15, 2023, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 15, 17 AND 33]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CHS. 200, 1000, 1300, 1900, 1910, 1915, 1920, 1930, 1950 AND 2950]

PART II. ORPHANS' COURT RULES [231 PA. CODE CHS. II, III, XIV AND XV]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 4 AND 5]

Title 237—JUVENILE RULES

PART I. RULES [237 PA. CODE CHS. 11, 12 AND 14]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL [246 PA. CODE CHS. 200, 300, 400 AND 500]

Proposed Amendment of Pa.R.A.P. 1517, 1732, 1781, 3307, and 3309; Adoption of Pa.R.Civ.P. 243 and 1930.10, Rescission of Pa.R.Civ.P. 1920.46, and Amendment of Pa.R.Civ.P. 216, 237.1, 1037, 1303, 1901.6, 1910.11, 1910.12, 1915.4-2, 1915.4-3, 1915.17, 1920.42, 1920.51, 1930.6, 1956, and 2955; Adoption of Pa.R.O.C.P. 2.12, 3.16, and 15.23, and Amendment of Pa.R.O.C.P. 14.1, 15.7, 15.8, 15.9, 15.10, and 15.13; Amendment of Pa.R.Crim.P. 150, 430, 431, and 515; Adoption of Pa.R.J.C.P. 1206, and Amendment of Pa.R.J.C.P. 1122, 1242, and 1406; and Amendment of Pa.R.Civ.P.M.D.J. 209, 304, 308, 403, 405, 410, 503, 506, 515, and 516.

The above-captioned Rules Committees are considering proposing to the Supreme Court of Pennsylvania the above-described rulemaking governing procedures for the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.* and the Military and Veterans Code, 51 Pa.C.S. §§ 101 *et seq.*, 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 Rules Committees 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:

Daniel A. Durst, Chief Counsel
Rules Committees
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
rulescommittees@pacourts.us

All communications in reference to the proposal should be received by November 16, 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 Rules Committees will acknowledge receipt of all submissions.

By the:

Appellate Court Procedural Rules Committee

PETER J. GARDNER, Esq.,
Chair

Civil Procedural Rules Committee

MAUREEN M. McBRIDE, Esq.,
Chair

Domestic Relations Procedural Rules Committee

DAVID. S. POLLOCK, Esq.,
Chair

Orphans' Court Procedural Rules Committee

JULIAN E. GRAY, Esq.,
Chair

Criminal Procedural Rules Committee

HON. STEFANIE J. SALAVANTIS,
Chair

Juvenile Court Procedural Rules Committee

RENEÉ D. MERION, Esq.,
Chair

Minor Court Rules Committee

HON. DANIEL E. BUTLER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

PETITION FOR REVIEW

(Editor's Note: The explanatory comments included in Annex A are not currently codified in Title 210 of the Pennsylvania Code.)

Rule 1517. Applicable Rules of Pleading; Servicemembers Civil Relief Act.

(a) **Rules of Pleading.** Unless otherwise prescribed by these rules, the practice and procedure under this chapter relating to pleadings in original jurisdiction petition for review practice shall be in accordance with the appropriate Pennsylvania Rules of Civil Procedure, so far as they may be applied.

(b) **Servicemembers Civil Relief Act. In any original jurisdiction petition for review under this chapter in which a respondent does not make an appearance, and before the court enters judgment in favor of the petitioner, the petitioner shall state in a filed affidavit pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931:**

(1) **whether the non-appearing respondent is in military service and showing necessary facts to support the affidavit; or**

(2) **if the petitioner is unable to determine whether the non-appearing respondent is in military service, that the petitioner is unable to determine whether the non-appearing respondent is in military service.**

Comment:

“Military service” is defined by 50 U.S.C. § 3911(2) and a report of a person’s “military status” can be requested at <https://scra.dmdc.osd.mil/scra/#/home>. If a respondent is in military service, then the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, may impose additional protections. The Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105, also provides protections for Pennsylvania National Guard members in active service of the Commonwealth that, *inter alia*, prohibit the issuance or enforcement of civil process.

The requirement of an affidavit may be satisfied by an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904. See 42 Pa.C.S. § 102. A verified statement form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public>. The form can be modified provided the requirements of subdivision (b)(2) are met.

**CHAPTER 17. EFFECT OF APPEALS;
SUPERSEDEAS AND STAYS**

STAY OR INJUNCTION IN CIVIL MATTERS

Rule 1732. Application for Stay or Injunction Pending Appeal. Number of Copies to be Filed.

(a) **Application to [trial court] Trial Court.**—Application for a stay of an order of a trial court pending appeal, or for approval of or modification of the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, must ordinarily be made in the first instance to the trial court, except where a prior order under this chapter has been entered in the matter by the appellate court or a judge thereof.

(b) **Contents of [application for stay] Application for Stay.**—An application for stay of an order of a trial court pending appeal, or for approval of or modification of

the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the trial court for the relief sought is not practicable, or that the trial court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the trial court for its action. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts of the record as are relevant. Where practicable, the application should be accompanied by the briefs, if any, used in the trial court. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) **Number of [copies to be filed] Copies to be Filed.**—To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its [Official Note] Comment.

[Official Note] Comment:

See generally *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.

For the availability of a stay for a party in military service, see the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105.

STAY PENDING ACTION ON PETITION FOR REVIEW

Rule 1781. Stay Pending Action on Petition for Review or Petition for Specialized Review.

(a) **Application to [government unit] Government Unit.**—Application for a stay or *supersedeas* of an order or other determination of any government unit pending review in an appellate court on petition for review or petition for specialized review shall ordinarily be made in the first instance to the government unit.

(b) **Contents of [application for stay or supersedeas] Application for Stay or Supersedeas.**—An application for stay or *supersedeas* of an order or other determination of a government unit, or for an order granting an injunction pending review, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the government unit for the relief sought is not practicable, or that application has been made to the government unit and denied, with the reasons given by it for the denial, or that the action of the government unit did not afford the relief that the applicant had requested. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute, the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts, if any, of the record as are relevant to the relief sought. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) **Notice and [action by court] Action by Court.**—Upon such notice to the government unit as is required by Pa.R.A.P. 123, the appellate court, or a judge thereof, may grant an order of stay or *supersedeas*, including the

grant of an injunction pending review or relief in the nature of peremptory mandamus, upon such terms and conditions, including the filing of security, as the court or the judge thereof may prescribe. Where a statute requires that security be filed as a condition to obtaining a *supersedeas*, the court shall require adequate security.

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

See generally *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.

For the availability of a stay for a party in military service, see the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105.

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 33. BUSINESS OF THE SUPREME COURT

ORIGINAL MATTERS

Rule 3307. Applications for Leave to File Original Process.

(a) *Scope.* This rule applies only to matters within the original jurisdiction of the Supreme Court under 42 Pa.C.S. § 721, which are not in the nature of mandamus or prohibition ancillary to matters within the appellate jurisdiction of the Supreme Court. Applications for relief pursuant to or ancillary to the appellate jurisdiction of the Supreme Court, including relief which may be obtained in the Supreme Court by petition for review or petition for specialized review, are governed by Article I and Article II and may be filed without an application under this rule. See also Pa.R.A.P. 3309 (applications for extraordinary relief).

(b) *General [rule] Rule.*

(1) ***Application for Leave to File.*** The initial pleading in any original action or proceeding shall be prefaced by an application for leave to file such pleading, showing service upon all parties to such action or proceeding. The matter will be docketed when the application for leave to file is filed with the Prothonotary of the Supreme Court.

(2) ***Filing Date of Application.*** The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter, if known, and shall be either enclosed with the application or separately mailed to the prothonotary.

(3) ***Entry of Appearance.*** Appearances shall be filed as in other original actions.

(4) ***Answer.*** An adverse party may file an answer no later than 14 days after service of the application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal

Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the application will not be filed.

(5) *Servicemembers Civil Relief Act.* If an adverse party does not enter an appearance pursuant to subdivision (b)(3) or file an answer or letter pursuant to subdivision (b)(4), the applicant shall file an affidavit in accordance with Pa.R.A.P. 1517(b).

(6) ***Distribution.*** Upon receipt of the answer to the application, or a letter stating that no answer will be filed, from each party entitled to file such, the application, pleadings, and answer to the application, if any, shall be distributed by the prothonotary to the Supreme Court for its consideration.

(c) *Disposition of [application] Application.* The Supreme Court may thereafter grant or deny the application or set it down for argument. Additional pleadings may be filed, and subsequent proceedings had, as the Supreme Court may direct. If the application is denied, the matter shall be transferred to the appropriate court by the prothonotary in the same manner and with the same effect as matters are transferred under Pa.R.A.P. 751.

Comment:

Pa.R.A.P. 1517(b) sets forth the requirement of an affidavit of military service pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931.

KING'S BENCH MATTERS

Rule 3309. Applications for Extraordinary Relief.

(a) *General [rule.—] Rule.*

(1) ***Service of Application.*** An application for relief under 42 Pa.C.S. § 726 (extraordinary jurisdiction), or under the powers reserved by the first sentence of Section 1 of the Schedule to the Judiciary Article, shall show service upon all persons who may be affected thereby, or their representatives, and upon the clerk of any court in which the subject matter of the application may be pending.

(2) ***Filing Date of Application.*** The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter if known and shall be either enclosed with the application or separately mailed to the prothonotary.

(3) ***Entry of Appearance.*** Appearances shall be governed by Rule 1112 (entry of appearance) unless no appearances have been entered below, in which case appearances shall be filed as in original actions.

[(b)] (4) ***Answer.*** An adverse party may file an answer no later than fourteen days after service of the

application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer will not be filed.

(5) Servicemembers Civil Relief Act. If an adverse party does not enter an appearance pursuant to subdivision (a)(3) or file an answer or letter pursuant to subdivision (a)(4), the applicant shall file an affidavit in accordance with Pa.R.A.P. 1517(b).

[(c)] **(6) Distribution [and disposition]**. Upon receipt of the answer, or a letter stating that no answer will be filed, from each party entitled to file such, the application and answer, if any, shall be distributed by the Prothonotary to the Supreme Court for its consideration.

(b) Disposition. The Supreme Court may thereafter grant or deny the application or set it down for argument.

[(d)] **(c) Stays and [supersedeas] Supersedeas.** Where action is taken under this rule which has the effect of transferring jurisdiction of a matter to the Supreme Court, unless otherwise ordered by the Supreme Court such action shall be deemed the taking of an appeal as of right for the purposes of Chapter 17 (effect of appeals; supersedeas and stays), except that the lower court shall not have the power to grant reconsideration.

[Official Note] Comment:

Based on 42 Pa.C.S. § 502 (general powers of Supreme Court), 42 Pa.C.S. § 726 (extraordinary jurisdiction) and the first sentence of Section 1 of the Schedule to the Judiciary Article, which preserves inviolate the December 31, 1968 powers of the Supreme Court (principally the so-called King's Bench powers) in the following language: "The Supreme Court shall exercise all the powers and until otherwise provided by law, jurisdiction now vested in the present Supreme Court . . ." Former Supreme Court Rule 68 1/2 (416 Pa. xxv) contained a 30-day time limit for seeking review and the failure of [**Rule**] **Pa.R.A.P.** 3309 to set forth a specific time limit shall not be construed to enlarge the time permitted by law for the seeking of appellate review.

Pa.R.A.P. 1517(b) sets forth the requirement of an affidavit of military service pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931.

[EXPLANATORY COMMENT—1979

The stay and supersedeas procedure in the Supreme Court is clarified in King's Bench matters and in cases where the Superior Court or the Commonwealth Court (in its appellate capacity) has acted on a stay or supersedeas application.]

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 216. Grounds for Continuance.

[**A**] **a**) The following are grounds for continuance:

(1) Agreement of all parties or their attorneys, if approved by the [**Court**] **court**;

(2) Illness of counsel of record, a material witness, or a party. If requested a certificate of a physician shall be furnished, stating that such illness will probably be of sufficient duration to prevent the ill person from participating in the trial;

(3) Inability to subpoena or to take testimony by deposition, commission, or letters rogatory, of any material witness, shown by affidavit which shall state:

[**a**] **i**) The facts to which the witness would testify if present or if deposed;

[**b**] **ii**) The grounds for believing that the absent witness would so testify;

[**c**] **iii**) The efforts made to procure the attendance or deposition of such absent witness; and

[**d**] **iv**) The reasons for believing that the witness will attend the trial at a subsequent date, or that the deposition of the witness can and will be obtained.

(4) Such special ground as may be allowed in the discretion of the court;

(5) The scheduling of counsel to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether:

[**a**] **i**) as counsel for a respondent-attorney before a hearing committee, special master, the Disciplinary Board or the Supreme Court;

[**b**] **ii**) as a special master or member of a hearing committee; or

[**c**] **iii**) as a member of the Disciplinary Board;

(6) The scheduling of counsel to appear at any proceeding involving the discipline of a justice, judge, or magisterial district judge under Section 18 of Article V of the Constitution of Pennsylvania, whether:

[**a**] **i**) as counsel for a justice, judge, or magisterial district judge before the special tribunal provided for in 42 Pa.C.S. § 727, the Court of Judicial Discipline, the Judicial Conduct Board or any hearing committee, or other arm of the Judicial Conduct Board; or

[**b**] **ii**) as a member of the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board[.];

(7) In compliance with state or federal law.

[**B**] **b**) Except for cause shown in special cases, no reason above enumerated for the continuance of a case shall be of effect beyond one application made in behalf of one party or group of parties having similar interests.

[**C**] **c**) No application for a continuance shall be granted if based on a cause existing and known at the time of publication or prior call of the trial list unless the same is presented to the court at a time fixed by the court, which shall be at least one week before the first day of the trial period. Applications for continuances shall be made to the court, or filed in writing with the officer in charge of the trial list, after giving notice of such application by mail, or otherwise, to all parties or their attorneys. Each court may, by local rule, designate the time of publication of the trial list for the purposes of this rule.

[**D**] **d**) No continuance shall be granted due to the absence from court of a witness duly subpoenaed, unless:

(1) Such witness will be absent because of facts arising subsequent to the service of the subpoena and which would be a proper ground for continuance under the provisions of Rule [**216(A)**] **216(a)**; or

(2) On the day when the presence of such witness is required a prompt application is made for the attachment of such absent witness; or

(3) The witness, having attended at court has departed without leave, and an application for attachment is made promptly after the discovery of the absence of such witness; or the court is satisfied that the witness has left court for reasons which would be a proper ground for continuance under Rule [**216(A)**] **216(a)**.

[**E**] **e**) Each [**Court**] **court** may adopt local rules providing for the temporary passing of cases or governing applications for continuance because of the absence of a witness, not a party, who has not been served with a subpoena.

[**F**] **f**) Rule [**216(B)—(E)**] **216(b)—(e)** and Rule 217 shall not be applicable to a continuance granted for any of the reasons set forth in Rule [**216(A)(5) or (6)**] **216(a)(5)—(a)(7)**.

Comment:

For subdivision (a)(7), see e.g., the Service-members Civil Relief Act, 50 U.S.C. §§ 3901 et seq.

(Editor's Note: Rule 237.1 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the explanatory comments are not currently codified in the Pennsylvania Code.)

Rule 237.1. Notice of [**Praecipe**] **Praecipe** for Entry of Judgment of [**Non Pros**] **Non Pros** for Failure to File Complaint or by Default for Failure to Plead.

[(a)(1) As used in this rule,

"judgment of non pros" means a judgment entered by praecipe pursuant to Rules 1037(a) and 1659;

Note: When a defendant appeals from a judgment entered in a magisterial district court, Pa.R.C.P.M.D.J. 1004(b) authorizes the appellant to file a praecipe for a rule as of course upon the appellee to file a complaint or suffer entry of a judgment of non pros. The entry of the judgment of non pros is governed by Pa.R.C.P. No. 1037(a) and is subject to this rule.

"judgment by default" means a judgment entered by praecipe pursuant to Rules 1037(b), 3031(a) and 3146(a).

(2) No judgment of non pros for failure to file a complaint or by default for failure to plead shall be entered by the prothonotary unless the praecipe for entry includes a certification that a written notice of intention to file the praecipe was mailed or delivered

(i) in the case of a judgment of non pros, after the failure to file a complaint and at least ten days

prior to the date of the filing of the praecipe to the party's attorney of record or to the party if unrepresented, or

(ii) in the case of a judgment by default, after the failure to plead to a complaint and at least ten days prior to the date of the filing of the praecipe to the party against whom judgment is to be entered and to the party's attorney of record, if any.

The ten-day notice period in subdivision (a)(2)(i) and (ii) shall be calculated forward from the date of the mailing or delivery, in accordance with Rule 106.

Note: The final sentence of Rule 237.1(a)(2) alters the practice described in the decision of *Williams v. Wade*, 704 A.2d 132 (Pa. Super. 1997).

(3) A copy of the notice shall be attached to the praecipe.

(4) The notice and certification required by this rule may not be waived.

Note: A certification of notice is a prerequisite in all cases to the entry by praecipe of a judgment of non pros for failure to file a complaint or by default for failure to plead to a complaint. Once the ten-day notice has been given, no further notice is required by the rule even if the time to file the complaint or to plead to the complaint has been extended by agreement.

See Rule 237.4 for the form of the notice of intention to enter a judgment of non pros and Rule 237.5 for the form of the notice of intention to enter a judgment by default.

(b) This rule does not apply to a judgment entered

(1) by an order of court,

(2) upon praecipe pursuant to an order of court, or

(3) pursuant to a rule to show cause.

Note: See Rule 3284 which requires that in proceedings to fix fair market value of real property sold, notice must be given pursuant to the requirements of Rule 237.1 et seq.

EXPLANATORY COMMENT—1994

Rule 237.1 et seq. are intended to (1) avoid snap judgments by requiring notice of the intention to enter certain judgments of non pros and by default, (2) eliminate procedural problems arising from ambiguous agreements to extend time to take required action and (3) ease the procedural burdens upon parties who move promptly to open such judgments.

Rule 237.1—Notice of intention to enter judgment

Rule 237.1 governing judgment of non pros and by default provides that the praecipe for entry of certain judgments include a certification of prior notice of the intent to enter judgment. The rule requires prior notice in those instances in which a party may proceed directly by praecipe to enter a judgment of non pros for failure to file a complaint

or a judgment by default for failure to plead to a complaint. Rules 1037(a) and 1659 expressly provide for such a procedure in entering a judgment of non pros while Rules 1037(b), 1511(a), 3031(a) and 3146(a) provide for such a practice in entering a default judgment. New subdivision (a)(1) identifies these rules in specifying the scope of the rule.

The rule provides for the notice to be given once only. A note advises that “[o]nce the ten-day notice has been given, no further notice is required by the rule even if the time to plead to” or file “the complaint has been extended by agreement.”

The notice must be in writing. Subdivision (a)(4) clearly provides that the “notice and certification required by this rule may not be waived.” Subdivision 237.1(b) contains an exception to the notice requirement with respect to orders of court, discussed below.

The ten-day notice may be mailed or delivered. Registered or certified mail is not required. The ten-day grace period for compliance runs from the date of delivery, if the notice is delivered. If the notice is mailed, the ten-day period runs from the date of mailing and not from the date of receipt. If proof of the date of mailing is important, it may be obtained from the post office by requesting Post Office Form 3817, Certificate of Mailing, which will show the date, the name of the sender, and the addressee.

The rule continues the practice of entering judgment by the filing of a praecipe with the prothonotary. Two additional requirements are imposed. First, the praecipe must contain a certification that notice was given in accordance with the rule. Second, a copy of the notice must be attached to the praecipe.

The foregoing requirements apply irrespective of the type of judgment sought. However, depending upon the judgment to be entered, there are differing provisions with respect to the event triggering the time for giving notice and the persons to whom notice is to be delivered.

Time of notification

Rule 237.1(a) requires that the notice be given after the time for required action has expired and at least ten days prior to the filing of the praecipe for judgment. However, the event which triggers the time for giving notice differs. Rule 237.1(a)(2)(i) governing the judgment of non pros requires notice to be given “after the failure to file a complaint” pursuant to a rule to file a complaint. Rule 237.1(a)(2)(ii) governing the default judgment provides for notice to be given after the failure to plead to a complaint.

The intent of the rule is to afford a minimum of ten days after failure to file a complaint or after failure to plead within which the failure may be cured. To assure this, the notice may not be given until the time for action has elapsed and the failure occurs. This will prevent a plaintiff at the time of service of the complaint or a defendant at the time

of service of a rule to file a complaint from including a notice that judgment will be entered on the twenty-first day after service. The notice cannot be given before that day because, prior to that day, no default or failure exists.

Persons notified

Rule 237.1(a)(2)(ii) requires the notice of intention to enter a judgment by default to be mailed or delivered both to the party against whom judgment is to be entered and, if represented, to the party’s attorney of record. Dual service is required for two reasons. First, there may be delays in transmittal of process and pleadings from the client to his attorney. This often occurs where papers are forwarded by a party to his insurer through an intermediary, such as an insurance agency. Often the papers never get to defendant’s attorney until after the time for filing a responsive pleading has expired. Notice to the party will alert him that there may have been some failure in transmission and prompt inquiry of his insurer may correct this.

Second, even if an appearance has been entered, notice to the client as well as the attorney may have a salutary effect in speeding up action by a dilatory attorney.

Rule 237.1(a)(2)(i), however, provides that notice of the intention to enter a judgment of non pros is to be mailed or delivered only to the party’s attorney of record or, if unrepresented, then to the party. In this instance, dual service is not necessary since the party against whom judgment is to be entered is no stranger to the litigation, having initiated it and continued to actively pursue it.

Form of Notice

Rule 237.4 prescribes the form of notice when a judgment of non pros is to be entered; Rule 237.5 prescribes the form of notice when a judgment by default is sought. Each form of notice is universal, applying to all plaintiffs or defendants as the case may be, whether represented or not and without distinction as to their degree of education or sophistication. As in Rule 1018.1, no attempt is made to apply the notices selectively based on the nature of the action or party involved.

The form of notice to be given when a default judgment is sought is adapted from the notice to defend which Rule 1018.1 requires on every complaint. It informs the defendant of the need for action, the consequences of default and where he can obtain a lawyer. Since the notice will in many cases be sent to an as yet unrepresented defendant, repetition of the notice to defend, in modified form helps to stimulate action and stem the tide of petitions to open default judgments.

The form of notice to be given to a plaintiff when a judgment of non pros is sought is similar to that given when a default judgment is sought but is adapted to the non pros scenario.

Exception to requirement of notification

The requirement of notice does not apply to a judgment entered by an order of court, upon praecipe pursuant to an order of court or pursuant to a rule to show cause. Additional notice serves no purpose when a judgment is entered by the court itself or is directed by the court. Similarly, a rule to show cause is itself notice of action to be taken.

Actions under Act No. 6 of 1974, the Loan Interest and Protection Law, 41 P.S. § 101 et seq., are not exempted from the requirement of notice. The notices required by the Act and Rule 237.1 are not duplicative. The notice under Act No. 6 relates to matters prior to suit, e.g., the default and the right to cure the default, whereas the ten-day notice of Rule 237.1 is directed to procedural rights after suit has been commenced.]

(This is entirely new text.)

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

(a) *General Rule.*

(1) As used in this rule,

“judgment of *non pros*” means a judgment entered by *praecipe* pursuant to Rules 1037(a) and 1659;

“judgment by default” means a judgment entered by *praecipe* pursuant to Rules 1037(b), 3031(a) and 3146(a).

(2) No judgment of *non pros* for failure to file a complaint or by default for failure to plead shall be entered by the prothonotary unless the *praecipe* for entry includes a certification that a written notice of intention to file the *praecipe* was mailed or delivered

(i) in the case of a judgment of *non pros*, after the failure to file a complaint and at least ten days prior to the date of the filing of the *praecipe* to the party's attorney of record or to the party if unrepresented, or

(ii) in the case of a judgment by default, after the failure to plead to a complaint and at least ten days prior to the date of the filing of the *praecipe* to the party against whom judgment is to be entered and to the party's attorney of record, if any.

The ten-day notice period in subdivision (a)(2)(i) and (ii) shall be calculated forward from the date of the mailing or delivery, in accordance with Rule 106.

(3) A copy of the notice shall be attached to the *praecipe*.

(4) The notice and certification required by this rule may not be waived.

(b) *Exceptions.* This rule does not apply to a judgment entered:

(1) by an order of court,

(2) upon *praecipe* pursuant to an order of court, or

(3) pursuant to a rule to show cause.

Comment:

Rules 237.1 *et seq.* are intended to (1) avoid snap judgments by requiring notice of the intention to enter certain judgments of *non pros* and by default, (2) eliminate procedural problems arising from ambiguous agreements to extend time to take required action and (3) ease the procedural burdens upon parties who move promptly to open such judgments.

Rule 237.1—Notice of Intention to Enter Judgment

Rule 237.1 governing judgment of *non pros* and by default provides that the *praecipe* for entry of certain judgments include a certification of prior notice of the

intent to enter judgment. The rule requires prior notice in those instances in which a party may proceed directly by *praecipe* to enter a judgment of *non pros* for failure to file a complaint or a judgment by default for failure to plead to a complaint. Rules 1037(a) and 1659 expressly provide for such a procedure in entering a judgment of *non pros* while Rules 1037(b), 3031(a) and 3146(a) provide for such a practice in entering a default judgment. Subdivision (a)(1) identifies these rules in specifying the scope of the rule.

When a defendant appeals from a judgment entered in a magisterial district court, Pa.R.C.P.M.D.J. 1004(b) authorizes the appellant to file a *praecipe* for a rule as of course upon the appellee to file a complaint or suffer entry of a judgment of *non pros*. The entry of the judgment of *non pros* is governed by Rule 1037(a) and is subject to this rule.

The rule provides for the notice to be in writing and given once only. A certification of notice is a prerequisite in all cases to the entry by *praecipe* of a judgment of *non pros* for failure to file a complaint or by default for failure to plead to a complaint. Once the 10-day notice has been given, no further notice is required by the rule even if the time to file the complaint or to plead to the complaint has been extended by agreement.

Subdivision 237.1(b) contains an exception to the notice requirement with respect to orders of court, discussed below.

The ten-day notice may be mailed or delivered. Registered or certified mail is not required. The ten-day grace period for compliance runs from the date of delivery, if the notice is delivered. If the notice is mailed, the ten-day period runs from the date of mailing and not from the date of receipt. If proof of the date of mailing is important, it may be obtained from the post office by requesting Post Office Form 3817, Certificate of Mailing, which will show the date, the name of the sender, and the addressee.

The rule continues the practice of entering judgment by the filing of a *praecipe* with the prothonotary. Two additional requirements are imposed. First, the *praecipe* must contain a certification that notice was given in accordance with the rule. Second, a copy of the notice must be attached to the *praecipe*.

The foregoing requirements apply irrespective of the type of judgment sought. However, depending upon the judgment to be entered, there are differing provisions with respect to the event triggering the time for giving notice and the persons to whom notice is to be delivered.

Time of Notification

Rule 237.1(a) requires that the notice be given after the time for required action has expired and at least ten days prior to the filing of the *praecipe* for judgment. However, the event which triggers the time for giving notice differs. Rule 237.1(a)(2)(i) governing the judgment of *non pros* requires notice to be given “after the failure to file a complaint” pursuant to a rule to file a complaint. Rule 237.1(a)(2)(ii) governing the default judgment provides for notice to be given after the failure to plead to a complaint.

The intent of the rule is to afford a minimum of ten days after failure to file a complaint or after failure to plead within which the failure may be cured. To assure this, the notice may not be given until the time for action

has elapsed and the failure occurs. This will prevent a plaintiff at the time of service of the complaint or a defendant at the time of service of a rule to file a complaint from including a notice that judgment will be entered on the twenty-first day after service. The notice cannot be given before that day because, prior to that day, no default or failure exists.

Persons Notified

Rule 237.1(a)(2)(ii) requires the notice of intention to enter a judgment by default to be mailed or delivered both to the party against whom judgment is to be entered and, if represented, to the party's attorney of record. Dual service is required for two reasons. First, there may be delays in transmittal of process and pleadings from the client to the client's attorney. This often occurs where papers are forwarded by a party to the party's insurer through an intermediary, such as an insurance agency. Often the papers never get to the defendant's attorney until after the time for filing a responsive pleading has expired. Notice to the party will alert the party that there may have been some failure in transmission and prompt inquiry of the party's insurer may correct this.

Second, even if an appearance has been entered, notice to the client as well as the attorney may have a salutary effect in speeding up action by a dilatory attorney.

Rule 237.1(a)(2)(i), however, provides that notice of the intention to enter a judgment of *non pros* is to be mailed or delivered only to the party's attorney of record or, if unrepresented, then to the party. In this instance, dual service is not necessary since the party against whom judgment is to be entered is no stranger to the litigation, having initiated it and continued to actively pursue it.

Form of Notice

Rule 237.4 prescribes the form of notice when a judgment of *non pros* is to be entered; Rule 237.5 prescribes the form of notice when a judgment by default is sought. Each form of notice is universal, applying to all plaintiffs or defendants as the case may be, whether represented or not and without distinction as to their degree of education or sophistication. As in Rule 1018.1, no attempt is made to apply the notices selectively based on the nature of the action or party involved.

The form of notice to be given when a default judgment is sought is adapted from the notice to defend which Rule 1018.1 requires on every complaint. It informs the defendant of the need for action, the consequences of default and where the defendant can obtain a lawyer. Since the notice will in many cases be sent to an as yet unrepresented defendant, repetition of the notice to defend, in modified form helps to stimulate action and stem the tide of petitions to open default judgments.

The form of notice to be given to a plaintiff when a judgment of *non pros* is sought is similar to that given when a default judgment is sought but is adapted to the *non pros* scenario.

Exception to Requirement of Notification

The requirement of notice does not apply to a judgment entered by an order of court, upon *praecipe* pursuant to an order of court, or pursuant to a rule to show cause. Additional notice serves no purpose when a judgment is entered by the court itself or is directed by the court. Similarly, a rule to show cause is itself notice of action to be taken.

Actions pursuant to Act 6 of 1974, P.L. 13, the Loan Interest and Protection Law, 41 P.S. § 101—605, are not exempted from the requirement of notice. The notices required by Act 6 and Rule 237.1 are not duplicative. The notice under Act 6 relates to matters prior to suit, *e.g.*, the default and the right to cure the default, whereas the ten-day notice of Rule 237.1 is directed to procedural rights after suit has been commenced.

Cross References

See Pa.R.Civ.P. 3284 which requires that in proceedings to fix fair market value of real property sold, notice must be given pursuant to the requirements of Rule 237.1 *et seq.*

See Rule 243 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a defendant does not make an appearance.

(This is an entirely new rule.)

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

Rule 243. Servicemembers Civil Relief Act.

In any civil action in which a defendant does not make an appearance, and before the court enters judgment in favor of the plaintiff, the plaintiff shall state in a filed affidavit pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931:

(a) whether the non-appearing defendant is in military service and showing necessary facts to support the affidavit; or

(b) if the plaintiff is unable to determine whether the non-appearing defendant is in military service, that the plaintiff is unable to determine whether the defendant is in military service.

Comment:

"Military service" is defined by 50 U.S.C. § 3911(2) and a report of a person's "military status" can be requested at <https://scra.dmdc.osd.mil/scra/#/home>. If a defendant is in military service, then the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, may impose additional protections. The Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105, also provides protections for Pennsylvania National Guard members in active service of the Commonwealth that, *inter alia*, prohibit the issuance or enforcement of civil process.

The requirement of an affidavit may be satisfied by an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904. *See* 42 Pa.C.S. § 102. A verified statement form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it meets the requirements of this rule.

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

JUDGMENT UPON DEFAULT OR ADMISSION

(*Editor's Note:* Rule 1037 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the explanatory comments are not currently codified in the *Pennsylvania Code*.)

Rule 1037. Judgment Upon Default or Admission. Assessment of Damages.

(a) **Entry of Judgment by Prothonotary for Action Not Commenced by Complaint.** If an action is not commenced by a complaint, the prothonotary, upon [**praecipe**] **praecipe** of the defendant, shall enter a rule upon the plaintiff to file a complaint. If a complaint is not filed within [**twenty**] **20** days after service of the rule, the prothonotary, upon [**praecipe**] **praecipe** of the defendant, shall enter a judgment of [**non pros**] **non pros**.

[**Note: See Rule 237.1(a)(2) which requires the praecipe for judgment of non pros to contain a certification of written notice of intent to file the praecipe.**]

(b) **Entry of Judgment by Prothonotary for Action Commenced by Complaint.** The prothonotary, on [**praecipe**] **praecipe** of the plaintiff, shall enter judgment against the defendant for failure to file within the required time a pleading to a complaint which contains a notice to defend or, except as provided by subdivision (d), for any relief admitted to be due by the defendant's pleadings.

[**Note: See Rule 237.1 which requires the praecipe for default judgment to contain a certification of written notice of intent to file the praecipe.**]

While the prothonotary may enter a default judgment in an action legal or equitable, only the court may grant equitable relief. See subdivision (d).]

(1) The prothonotary shall assess damages for the amount to which the plaintiff is entitled if it is a sum certain or which can be made certain by computation, but if it is not, the damages shall be assessed at a trial at which the issues shall be limited to the amount of the damages.

(2) In all actions in which the only damages to be assessed are the cost of repairs made to property

(i) the prothonotary on [**praecipe**] **praecipe** of the plaintiff, waiving any other damages under the judgment, and the filing of the affidavits provided by [**subparagraphs**] **subdivisions** (ii) and (iii) shall assess damages for the cost of the repairs;

(ii) the [**praecipe**] **praecipe** shall be accompanied by an affidavit of the person making the repairs; the affidavit shall contain an itemized repair bill setting forth the charges for labor and material used in the repair of the property; it shall also state the qualifications of the person who made or supervised the repairs, that the repairs were necessary, and that the prices for labor and material were fair and reasonable and those customarily charged;

(iii) the plaintiff shall send a copy of the affidavit and repair bill to the defendant by registered mail directed to the defendant's last known address, together with a notice setting forth the date of the intended assessment of damages, which shall be not less than ten days from the mailing of the notice and a statement that damages will be assessed in the amount of the repair bill unless prior

to the date of assessment the defendant by written [**praecipe**] **praecipe** files with the prothonotary a request for trial on the issue of such damages; an affidavit of mailing of notice shall be filed.

[**Note: By Definition Rule 76, registered mail includes certified mail.**]

(c) **Entry of Judgment by Court.** In all cases, the court, on motion of a party, may enter an appropriate judgment against a party upon default or admission.

[**Note: For the form of notice to defend, see Rule 1018.1.**]

(d) **Entry of Judgment by Court for Equitable Relief Cases.** In all cases in which equitable relief is sought, the court shall enter an appropriate order upon the judgment of default or admission and may take testimony to assist in its decision and in framing the order.

Comment:

Subdivision (a). See Pa.R.Civ.P. 237.1(a)(2), which requires the **praecipe for judgment of non pros to contain a certification of written notice of intent to file the praecipe.**

Subdivision (b). See Pa.R.Civ.P. 237.1 which requires the **praecipe for a default judgment to contain a certification of written notice of intent to file the praecipe.** While the prothonotary may enter a default judgment in an action legal or equitable, only the court may grant equitable relief pursuant to subdivision (d).

See Rule 243 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a defendant does not make an appearance.

See Pa.R.Civ.P. 76 (definitions), registered mail includes certified mail.

Subdivision (c). See Pa.R.Civ.P. 1018.1 for the form of the notice to defend.

[**EXPLANATORY COMMENT—JUNE 16, 1994**]

Effective July 1, 1984, the former actions of assumpsit and trespass were consolidated into the present civil action. Prior to the consolidation one of the principal differences in practice between the two actions was in the manner of responding to a complaint. The assumpsit rules required an answer specifically denying each averment of fact in the complaint. The trespass rules, however, gave the attorney the option of either filing a full answer as in assumpsit or filing no answer at all. If the attorney filed an entry of appearance but chose not to file an answer, the effect was to admit specified averments of fact in the complaint and to deny the remainder. However, the new civil action rules eliminated this option and required the assumpsit-type answer in all cases.

At the same time, the proposal that the specific denial of Rule 1029 be deleted in favor of a general denial was not adopted. Thus, there remained the requirement of a specific denial not only in assumpsit or contract cases but also in cases not formerly subject to the rule, i.e., trespass or tort cases. Both attorneys and judges have expressed

dissatisfaction with the necessity to file answers specifically denying allegations of fact in a complaint in tort actions. The practice results in pleadings containing unnecessary repetition of language, overwhelming paperwork for both the court and the parties, and complexity of pleading which in many cases does not contribute to the narrowing of the issues or the resolution of the action.

In 1991 the Civil Procedural Rules Committee published Recommendation No. 109 which proposed that a responding party be given in all cases the alternatives of filing an answer or filing merely an entry of appearance which would have the effect of a denial. As the result of the comments received, the Committee republished the recommendation as Recommendation No. 109a which proposed that the civil action rules be amended to include the former practice of giving the attorney the option not to file an answer in a limited class of cases, i.e., the trespass-type case. The ultimate evolution of the proposal is that set forth in the amended rules: an answer is required in all cases but, in actions seeking monetary relief for bodily injury, death or property damage, the answer may consist of a general denial.

The amendments to the rules are described as follows.

Rule 1037. Judgment Upon Default or Admission. Assessment of Damages

Subdivision (b) of Rule 1037 provided for the entry of judgment upon praecipe resulting from a default or admission. The rule spoke of failure to file "an answer". This left unclear the effect of filing preliminary objections. The rule is changed to refer to "a pleading", a term which under Rule 1017(a) includes both an answer and preliminary objections. The filing of an answer or preliminary objections clearly will prevent the entry of a default judgment.

A new note cross-refers to the requirement of Rule 237.1 that the praecipe to enter a judgment by default contain a certification that notice of the intent to enter the judgment was given as provided by that rule.

EXPLANATORY COMMENT—2003

See Explanatory Comment preceding Pa.R.C.P. No. 1501.]

CHAPTER 1300. ARBITRATION

Subchapter A. COMPULSORY ARBITRATION

(Editor's Note: Rule 1303 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the explanatory comments are not currently codified in the *Pennsylvania Code*.)

Rule 1303. Hearing. Notice.

(a) ***Procedure Set by Local Rule.***

(1) The procedure for fixing the date, time, and place of hearing before a board of arbitrators shall be prescribed by local rule, provided that [not less than thirty days'] notice in writing shall be given to the parties or their attorneys of record not less than 30 days from the date of the hearing.

[Note: See Rule 248 as to shortening or extending the time for the giving of notice.]

(2) The local rule may provide that the written notice required by subdivision (a)(1) include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial [*de novo*] *de novo* on appeal from a decision entered by a judge."

[Note: A party is present if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.]

(b) ***Party Not Ready to Proceed.*** When the board is convened for hearing, if one or more parties is not ready the case shall proceed and the arbitrators shall make an award unless the court

(1) orders a continuance, or

(2) hears the matter if the notice of hearing contains the statement required by subdivision (a)(2) and all parties present consent.

[Note] Comment:

Subdivision (a). Existing local rules now provide a wide variety of procedures as to notice, place, and time of hearing. In some counties the prothonotaries or the trial list administrators give notice of the hearing. In other counties the chairman of the arbitration board gives notice of both the hearing and the filing of the report and award. In many counties the arbitrators sit in the courthouse. In others, because of the shortage of courtrooms, the arbitrators meet in the chair's office or that of a member of the board or at the Bar association law library where conference rooms are made available. Nonetheless, every local practice must give written notice not less than 30 days' notice of the date of the hearing. In exigent circumstances the court, under Rule 248, can extend or shorten the time of notice.

A party is present if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

Subdivision (b). This subdivision addresses the failure of a party to attend a hearing.

It is within the discretion of the court whether it should hear the matter or whether the matter should proceed in arbitration. If the court is to hear the matter, it should be heard on the same date as the scheduled arbitration hearing.

In hearing the matter, the trial court may take action not available to the arbitrators, including the entry of a nonsuit if the plaintiff is not ready or a [non pros] *non pros* if neither party is ready. If the defendant is not ready, it may hear the matter and enter a decision.

[For relief from a nonsuit, see Rule 227.1 governing post-trial practice. See also Rule] See Pa.R.Civ.P. 227.1 (post-trial relief) for relief from a nonsuit; see also Pa.R.Civ.P. 3051 governing relief from a judgment of [non pros] *non pros*.

Following an adverse decision, a defendant who has failed to appear may file a motion for post-trial relief

which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

See Rule 243 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a defendant does not make an appearance.

[EXPLANATORY COMMENT—1981

Subdivision (a). Existing local rules now provide a wide variety of procedures as to notice, place, and time of hearing. In some counties the prothonotaries or the trial list administrators give notice of the hearing. In other counties the chairman of the arbitration board gives notice of both the hearing and the filing of the report and award. In many counties the arbitrators sit in the courthouse. In others, because of the shortage of courtrooms, the arbitrators meet in the chairman's office or that of a member of the board or at the Bar association law library where conference rooms are made available.

Local practice will continue under Rule 1303(a), except for the requirement that not less than thirty days' notice in writing be given of the date of hearing. In exigent circumstances the court, under Rule 248, can extend or shorten the time of notice.

Subdivision (b). A problem frequently encountered in present practice is the failure of a party to appear at the hearing. Present practice does not permit a nonsuit of a non-appearing plaintiff. Indeed a nonsuit would be impractical, since there is no machinery by which a nonsuit could be removed by the arbitrators. Rule 1303(b) provides that if a plaintiff does not appear, the arbitrators shall, unless the court has ordered a continuance, proceed to enter an award. Similarly, if a defendant does not appear, and the court has not ordered a continuance, the arbitrators proceed to hear the matter and enter an award. The remedy for dissatisfaction with the award is to appeal.

As a matter of professional courtesy, one party appearing when the other party does not might not wish to proceed without a further opportunity for opposing counsel to explain his absence. This poses a delicate question. The arbitrators are given no power to grant continuances. Only the court may do so, under Rule 1303(b). Although under Rule 1304(b) the arbitrators may "adjourn an uncompleted hearing from day to day," adjournment of a hearing that has never begun is in effect a continuance. Nor is a request of counsel for a continuance as a courtesy to his opponent sufficient to permit the arbitrators to continue the matter. Perhaps one solution would be for counsel to ask the arbitrators to pass the case temporarily to give him time to move the court for a continuance.

Local rules may regulate this problem, but must do so with great care so as to provide that it is the court, and not the arbitrators that controls the progress of the case.

EXPLANATORY COMMENT—1998

If at a hearing before a board of arbitrators one party was ready and the other was not, Rule of Civil Procedure 1303 previously provided for the

arbitration to proceed and an award to be made unless the court ordered a continuance. Under this rule, some courts experienced the problem of a party failing to appear for the arbitration hearing and then appealing for a trial *de novo* before the court.

Rule 1303 has been amended to provide an additional alternative in such a circumstance and allow a court of common pleas by local rule to provide that the court may hear the case if the notice of hearing so advised the parties and all parties present agree. If the court hears the matter, then the parties will have had their trial in the court of common pleas. Relief from the decision of the court will be by motion for post-trial relief following the entry of a nonsuit or a decision of the court or by petition to open a judgment of non pros. Relief from the action of the trial court will be by appeal to an appellate court. As the new notice advises, there will be "no right to a *de novo* trial on appeal from a decision entered by a judge."

Rule 218 governs the instance when a party is not ready when a case is called for trial. The note to subdivision (c) prior to its amendment referred to the right of a plaintiff to seek relief from the entry of a nonsuit or a judgment of non pros but omitted any reference to a defendant seeking relief from the decision of the court following a trial. A new paragraph has been added to the note calling attention to the defendant's right to file a motion for post-trial relief "on the ground of a satisfactory excuse for the defendant's failure to appear."]

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

(*Editor's Note:* Rule 1901.6 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1901.6. Responsive Pleading Not Required.

A defendant is not required to file an answer or other responsive pleading to the petition or the certified order, and all averments not admitted shall be deemed denied.

[*Note*] Comment:

For procedures as to the time and manner of hearings and issuance of orders, *see* 23 Pa.C.S. § 6107. For provisions as to the scope of relief available, *see* 23 Pa.C.S. § 6108. For provisions as to contempt for violation of an order, *see* 23 Pa.C.S. § 6114.

See [Pa.R.C.P. No.] Rule 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

CHAPTER 1910. ACTIONS FOR SUPPORT

(*Editor's Note:* Rule 1910.11 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1910.11. Office Conference. [Subsequent Proceedings.] Interim Order. Demand for De Novo Hearing.

(a) *Office Conference.*

(1) A conference officer shall conduct the office conference.

(2) A lawyer serving as a conference officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, or judge of the same judicial district.

[Note: Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.C.P. No. 1920.51.]

(b) ***Failure to Appear.*** If a party fails to appear at a conference as directed by the court, the conference may proceed.

(c) ***Documentation.***

(1) At the conference, the parties shall provide to the conference officer the following documents:

(i) the most recently filed individual federal income tax returns, including all schedules, W-2s, and 1099s;

(ii) the partnership or business tax returns with all schedules, including K-1, if the party is self-employed or a principal in a partnership or business entity;

(iii) pay stubs for the preceding six months;

(iv) verification of child care expenses;

(v) child support, spousal support, alimony *pendente lite*, or alimony orders or agreements for other children or former spouses;

(vi) proof of available medical coverage; and

(vii) an Income Statement and, if necessary, an Expense Statement on the forms provided in [Pa.R.C.P. No.] **Rule** 1910.27(c) and completed as set forth in subdivisions (c)([1] 2) and (3 [2]).

[Note: See Pa.R.C.P. No. 1930.1(b). To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions (e.g., divorce, custody), the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania shall apply.]

([1] 2) The parties shall provide the conference officer with a completed:

(i) Income Statement as set forth in [Pa.R.C.P. No.] **Rule** 1910.27(c)(1) in all support cases, including high-income cases under [Pa.R.C.P. No.] **Rule** 1910.16-3.1; and

(ii) Expense Statement as set forth in [Pa.R.C.P. No.] **Rule** 1910.27(c)(2)(A), if a party:

(A) claims that unusual needs and unusual fixed expenses may warrant a deviation from the guideline support amount pursuant to [Pa.R.C.P. No.] **Rule** 1910.16-5; or

(B) seeks expense apportionment pursuant to [Pa.R.C.P. No.] **Rule** 1910.16-6.

([2] 3) For high-income support cases, as set forth in [Pa.R.C.P. No.] **Rule** 1910.16-3.1, the parties shall provide to the conference officer the Expense Statement in [Pa.R.C.P. No.] **Rule** 1910.27(c)(2)(B).

(d) ***Conference Officer Recommendation.***

(1) The conference officer shall calculate and recommend a guideline support amount to the parties.

(2) If the parties agree on a support amount at the conference, the conference officer shall:

(i) prepare a written order consistent with the parties' agreement and substantially in the form set forth in [Pa.R.C.P. No.] **Rule** 1910.27(e), which the parties shall sign; and

(ii) submit to the court the written order along with the conference officer's recommendation for approval or disapproval.

(iii) The court may enter the order in accordance with the agreement without hearing from the parties.

(3) In all cases in which one or both parties are unrepresented, the parties must provide income information to the domestic relations section so that a guidelines calculation can be performed.

(4) In cases in which both parties are represented by counsel, the parties shall not be obligated to provide income information and the domestic relations section shall not be required to perform a guidelines calculation if the parties have reached an agreement about the amount of support and the amount of contribution to additional expenses.

(e) ***Conference Summary.*** At the conclusion of the conference or not later than 10 days after the conference, the conference officer shall prepare a conference summary and furnish copies to the court and to both parties. The conference summary shall state:

(1) the facts upon which the parties agree;

(2) the contentions of the parties with respect to facts upon which they disagree; and

(3) the conference officer's recommendation; if any, of

(i) the amount of support and by and for whom the support shall be paid; and

(ii) the effective date of any order.

(f) ***Interim Order.*** If an agreement for support is not reached at the conference, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). Each party shall be provided, either in person at the time of the conference or by mail, with a copy of the interim order and written notice that any party may, within 20 days after the date of receipt or the date of the mailing of the interim order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

(g) ***No stay.*** A demand for a hearing before the court shall not stay the interim order entered under subdivision (f) unless the court so directs.

(h) ***Final Order.*** If no party demands a hearing before the court within the 20 day period, the interim order shall constitute a final order.

(i) ***Hearing De Novo.*** If a demand is filed, there shall be a hearing *de novo* before the court. The domestic

relations section shall schedule the hearing and give notice to the parties. The court shall hear the case and enter a final order substantially in the form set forth in Rule 1910.27(e) within [sixty] 60 days from the date of the written demand for hearing.

(j) ***Separate Listing.***

(1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing [where] if:

(i) there are complex questions of law, fact, or both; [or]

(ii) the hearing will be protracted; or

(iii) the orderly administration of justice requires that the hearing be listed separately.

(2) If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 *et seq.*

[**Note:** The rule relating to discovery in domestic relations matters generally is Rule 1930.5.]

(k) ***Post-Trial Relief.*** No motion for post-trial relief may be filed to the final order of support.

[EXPLANATORY COMMENT—1994

The domestic relations office conference provided by Rule 1910.11 constitutes the heart of the support procedure. There are two primary advantages to the inclusion of a conference. First, in many cases the parties will agree upon an amount of support and a final order will be prepared, to be entered by the court, thus dispensing with a judicial hearing. Second, those cases which do go to hearing can proceed more quickly because the necessary factual information has already been gathered by the conference officer.

Subdivision (a)(2) prohibits certain officers of the court from practicing family law before fellow officers of the same court. These officers are the conference officer who is an attorney (Rule 1910.11), the hearing officer (Rule 1910.12), and the standing or permanent master who is employed by the court (Rule 1920.51). The amendments are not intended to apply to the attorney who is appointed occasionally to act as a master in a divorce action.

Subdivision (e)(3) makes clear that even if the parties agree on an amount of support, the conference officer is still empowered to recommend to the court that the agreement be disapproved. This provision is intended to protect the destitute spouse who might out of desperation agree to an amount of support that is unreasonably low or which would in effect bargain away the rights of the children.

The officer's disapproval of the agreement serves to prevent an inadequate order being entered unwittingly by the court.

The provision for an interim order in subdivision (f) serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination.

Because the guidelines are income driven, the trier of fact has little need for the expense information required in the Income and Expense Statement. Therefore in guideline cases, the rule no longer requires that expense information be provided. If a party feels that there are expenses so extraordinary that they merit consideration by the trier of fact, that party is free to provide the information. In cases decided according to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), living expenses are properly considered, and therefore must be presented on the Income and Expense Statement.

EXPLANATORY COMMENT—1995

Rule 1910.11(e) is amended to eliminate the need for a party to request a copy of the conference summary.

Because the court is required to enter a guideline order on the basis of the conference officer's recommendation, there is no need for (g)(2), which provided for a hearing before the court where an order was not entered within five days of the conference. It is eliminated accordingly.

Pursuant to subdivision (g), support payments are due and owing under the interim order which continues in effect until the court enters a final order after the hearing *de novo*. The provision for an interim order serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination. Therefore, the plaintiff and the dependent children are not prejudiced by allowing the court sixty days, rather than the original forty-five, in which to enter its final order.

EXPLANATORY COMMENT—2006

The time for filing a written demand for a hearing before the court has been expanded from ten to 20 days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure Commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

The amendments reflect the separated Income Statement and Expense Statements in Rule 1910.27(c).

EXPLANATORY COMMENT—2010

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony pendente lite shall be pursuant to Rule 1910.16-3.1. Rule 1910.16-2(e) has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), in high income child support cases.

EXPLANATORY COMMENT—2011

The rule has been amended to require that income information be provided in all cases, unless both parties are represented in reaching an agreement, so that a guidelines calculation can be performed. The guidelines create a rebuttable presumption that the amount calculated pursuant to them is the correct amount, so there should be a calculation in every case. If parties agree to receive

or to pay an order other than the guideline amount, they should know what that amount is so that they can enter an agreement knowingly. If both parties are represented by counsel, it is assumed that their entry into the agreement for an amount other than a guidelines amount is knowing as it is counsels' responsibility to advise the parties. In addition, part of the mandatory quadrennial review of the support guidelines mandates a study of the number of cases in which the support amount ordered varies from the amount that would result from a guidelines calculation. Federal regulations presume that if a large percentage of cases vary from the guideline amount, then the guidelines are not uniform statewide.]

Comment:

Conference officers preside over office conferences conducted pursuant to this rule. Hearing officers preside over hearings conducted pursuant to Rule 1910.12. The appointment of hearing officer to hear actions in divorce or for annulment of marriage is authorized by Rule 1920.51.

The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

To the extent this rule applies to actions not governed by other legal authority regarding confidentiality of information and documents in support actions or that attorneys or unrepresented parties file support-related confidential information and documents in non-support actions, e.g., divorce, custody, the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania shall apply. See Rule 1930.1(b).

Subdivision (a)(2) prohibits certain officers of the court from practicing family law before other officers of the same court. These officers are the conference officer who is an attorney, the hearing officer, Rule 1910.12, and the standing or permanent hearing officer who is employed by the court, Rule 1920.51. This subdivision is not intended to apply to an attorney occasionally appointed as a hearing officer in a divorce action.

Subdivision (d)(2)(i)(B) clarifies that, even if the parties agree on an amount of support, the conference officer is still empowered to recommend to the court that the agreement be disapproved. This provision is intended to protect the destitute spouse who might, out of desperation, agree to an amount of support that is unreasonably low or which would in effect bargain away the rights of the children. The officer's disapproval of the agreement serves to prevent an inadequate order being entered unwittingly by the court.

Pursuant to subdivision (f), support payments are due and owing under the interim order and continue in effect until the court enters a final order after the hearing *de novo*. The provision for an interim order serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive of delay in seeking a judicial determination. Therefore, the plaintiff and any dependent children are not prejudiced by allowing the court 60 days to enter its final order.

The domestic relations office conference provided by this rule constitutes the heart of the support procedure. There are two primary advantages to the inclusion of a conference. First, in many cases the parties will agree upon an amount of support and a final order will be prepared, to be entered by the court, thus dispensing with a judicial hearing. Second, those cases which do proceed to hearing can proceed more quickly because the necessary factual information has already been gathered by the conference officer.

Because the guidelines are income driven, the trier of fact has little need for the expense information required in the Expense Statement. Therefore, in guideline cases, the rule no longer requires that expense information be provided. If a party feels that there are expenses so extraordinary that they merit consideration by the trier of fact, the party is free to provide the information. In cases decided according to *Melzer v. Witsberger*, 480 A.2d 991 (Pa. 1984), living expenses are properly considered, and therefore must be presented in the Expense Statement.

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

(Editor's Note: Rule 1910.12 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1910.12. Alternative Hearing Procedures. Office Conference. Record Hearing. [Record.] Report. Exceptions. [Order.]

(a) *Office Conference.* There shall be an office conference as provided by [Pa.R.C.P. No.] Rule 1910.11(a) through (d). The provisions of [Pa.R.C.P. No.] Rule 1910.11(d)(3) and (d)(4) regarding income information apply in cases proceeding pursuant to [Pa.R.C.P. No.] Rule 1910.12.

(b) *Conference Conclusion.*

(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in [Pa.R.C.P. No.] Rule 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If either party, having been properly served, fails to attend the conference, the court may enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Pa.R.Civ.P. [No.] Rule 1910.27(e). Within 20 days after the date of receipt or the date of mailing of the interim order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

(3) Any lawyer serving as a hearing officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, or judge of the same judicial district.

[**Note: Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of a hearing officer to hear actions in divorce or for annulment of marriage is authorized by Pa.R.C.P. No. 1920.51.]**

(c) *Separate Listing.*

(1) Except as provided in subdivision (c)(2), promptly after the conference's conclusion, a party may move the court for a separate listing of the hearing if:

- (i) there are complex questions of law, fact or both;
- (ii) the hearing will be protracted; or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

(2) When the conference and hearing are scheduled on the same day, all requests for separate listing shall be presented to the court at least seven days prior to the scheduled court date.

(3) If the motion for separate listing is granted, discovery shall be available in accordance with [Pa.R.C.P. No.] **Rule 4001 et seq.**

[**Note: The rule relating to discovery in domestic relations matters generally is Pa.R.C.P. No. 1930.5.]**

(d) **Report.** The hearing officer shall receive evidence, hear argument and, not later than 20 days after the close of the record, file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in Rule 1910.27(e) stating:

- (1) the amount of support calculated in accordance with the guidelines;
- (2) by and for whom it shall be paid; and
- (3) the effective date of the order.

(e) **Interim Order.** The court, without hearing the parties, shall enter an interim order consistent with the proposed order of the hearing officer. Each party shall be provided, either in person at the time of the hearing or by mail, with a copy of the interim order and written notice that any party may, within [**twenty**] 20 days after the date of receipt or the date of mailing of the order, whichever occurs first, file with the domestic relations section written exceptions to the report of the hearing officer and interim order.

[**Note: Objections to the entry of an interim order consistent with the proposed order may be addressed pursuant to Rule 1910.26.]**

(f) **Exceptions.** Within [**twenty**] 20 days after the date of receipt or the date of mailing of the report by the hearing officer, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within 20 days of the date of service of the original exceptions.

(g) **Final Order.** If no exceptions are filed within the [**twenty-day**] **20-day** period, the interim order shall constitute a final order.

(h) **Argument.** If exceptions are filed, the interim order shall continue in effect. The court shall hear argument on the exceptions and enter an appropriate final order substantially in the form set forth in Rule 1910.27(e) within [**sixty**] **60** days from the date of the filing of exceptions to the interim order. No motion for post-trial relief may be filed to the final order.

[EXPLANATORY COMMENT—1995

Language is added to subdivision (b) to acknowledge that the conference and hearing can be held the same day, and to provide for the immediate entry of an interim order in judicial districts where the hearing occurs at a later date. New subdivision (b)(2) permits entry of a guideline order after a conference which the defendant, though properly served, fails to attend. New subdivision (c)(2) is intended to prevent delays in the hearing of complex cases by requiring that requests for separate listing be made at least seven days in advance where the conference and hearing are scheduled on the same day.

In addition, the phrase "record hearing" in subdivision (a) replaces the reference to a "stenographic record" in recognition of the variety of means available to create a reliable record of support proceedings.

Amended subdivision (e) allows an interim order to be entered and served on the parties at the conclusion of the hearing, rather than after the expiration of the exceptions period as was true under the old rule. In addition, the amended subdivision requires that the interim order include language advising the parties of their right to file exceptions within ten days of the date of the order.

Support payments are due and owing under the interim order which continues in effect until the court enters a final order after considering the parties' exceptions. Therefore, extension of the deadline for entering the final order by fifteen days does not prejudice the persons dependent upon payment of the support.

EXPLANATORY COMMENT—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure Commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.]

Comment:

Conference officers preside over office conferences completed pursuant to Rule 1910.11. Hearing officers preside over hearings conducted pursuant to Rule 1910.12. The appointment of hearing officers to hear actions in divorce or for annulment of marriage is authorized by Rule 1920.51.

The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

Objections to the entry of an interim order consistent with the proposed order may be addressed pursuant to Rule 1910.26.

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.4-2. Partial Custody. Office Conference. Hearing. Record. Exceptions. Order.

(a) *Office Conference.*

(1) The office conference shall be conducted by a conference officer.

(2) If the respondent fails to appear at the conference before the conference officer as directed by the court, the conference may proceed without the respondent.

(3) The conference officer may make a recommendation to the parties relating to partial custody or supervised physical custody of the child or children. If an agreement for partial custody or supervised physical custody is reached at the conference, the conference officer shall prepare a written order in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter an order in accordance with the agreement without hearing the parties.

(4) At the conclusion of the conference, if an agreement relating to partial custody or supervised physical custody has not been reached, the parties shall be given notice of the date, time, and place of a hearing before a hearing officer, which may be the same day, but in no event shall be more than [**forty-five**] 45 days from the date of the conference.

(b) *Hearing.*

(1) The hearing shall be conducted by a hearing officer who [**must**] shall be a lawyer, and a record shall be made of the testimony. A hearing officer who is a lawyer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, or judge of the same judicial district.

(2) The hearing officer shall receive evidence and hear argument. The hearing officer may recommend to the court that the parties or the subject child or children submit to examination and evaluation by experts pursuant to Rule 1915.8.

(3) Within ten days of the conclusion of the hearing, the hearing officer shall file with the court and serve upon all parties a report containing a recommendation with respect to the entry of an order of partial custody or supervised physical custody. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order, including a specific schedule for partial custody or supervised physical custody.

(4) Within [**twenty**] 20 days after the date the hearing officer's report is mailed or received by the parties, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within [**twenty**] 20 days of the date of service of the original exceptions.

(5) If no exceptions are filed within the [**twenty-day**] 20-day period, the court shall review the report and, if approved, enter a final order.

(6) If exceptions are filed, the court shall hear argument on the exceptions within [**forty-five**] 45 days of the date the last party files exceptions, and enter an appropriate final order within [**fifteen**] 15 days of argument. No motion for [**P**]post-[**T**]trial [**R**]relief may be filed to the final order.

[**EXPLANATORY COMMENT—2006**]

The time for filing exceptions has been expanded from ten to 20 days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure Commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.]

Comment:

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

See also 50 U.S.C. § 3938 and 51 Pa.C.S. §§ 4109, 4110 related to child custody proceedings during a servicemember's deployment.

Rule 1915.4-3. [Non-Record Proceedings. Trials] Court Procedures.

(a) *Non-Record Proceedings.* In judicial districts utilizing an initial non-record proceeding, *i.e.*, office conference, if an agreement is not finalized by the conclusion of the proceeding, the conference officer shall promptly notify the court that the matter should be listed for trial. A lawyer employed by, or under contract with, a judicial district or appointed by the court to serve as a conference officer to preside over a non-record proceeding shall not practice family law before a conference officer, hearing officer, or judge of the same judicial district.

(b) *Trial.* The trial before the court shall be *de novo*. The court shall hear the case and render a decision within the time periods set forth in [**Pa.R.C.P. No.] Rule 1915.4.**

[**EXPLANATORY COMMENT—2018**]

The amendment to this rule, in conjunction with the amendment to Pa.R.C.P. No. 1915.1, standardizes terminology used in the custody process and identifies court personnel by title and in some cases qualifications. Of note, the term "mediator," which had been included in the rule, has been omitted and is specifically defined in Pa.R.C.P. No. 1915.1.

As in the support rules, custody conference officers preside over conferences and hearing officers preside over hearings. Regardless of the individual's title, presiding over a conference or a hearing triggers the family law attorney practice preclusion in this rule and in Pa.R.C.P. No. 1915.4-2(b) in the case of a hearing officer. Mediators, as defined in Pa.R.C.P. No. 1915.1 and as qualified in Pa.R.C.P. No. 1940.4, do not preside over custody conferences

or hearings; rather, mediators engage custody litigants in alternative dispute resolution methods pursuant to Chapter 1940 of the Rules of Civil Procedure and, as such, the preclusion from practicing family law in the same judicial district in which an attorney/mediator is appointed is inapplicable.]

Comment:

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

See also 50 U.S.C. § 3938 and 51 Pa.C.S. §§ 4109, 4110 related to child custody proceedings during a servicemember's deployment.

(Editor's Note: Rule 1915.17 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1915.17. Relocation. [Notice and Counter-Affidavit.]

(a) **Notice.** A party proposing to change the residence of a child which significantly impairs the ability of a non-relocating party to exercise custodial rights [**must**] **shall** notify every other person who has custodial rights to the child and provide a counter-affidavit by which a person may agree or object. The form of the notice and counter-affidavit are set forth in subdivisions (i) and (j) below. The notice shall be sent by certified mail, return receipt requested, addressee only or pursuant to [**Pa.R.C.P. No.] Rule 1930.4**, no later than the [**sixtieth**] **60th** day before the date of the proposed change of residence or other time frame set forth in 23 Pa.C.S. § 5337(c)(2).

(b) **Objection.** If the other party objects to the proposed change in the child's residence, that party must serve the counter-affidavit on the party proposing the change by certified mail, return receipt requested, addressee only, or pursuant to [**Pa.R.C.P. No.] Rule 1930.4** within 30 days of receipt of the notice required in subdivision (a) above. If there is an existing child custody case, the objecting party also shall file the counter-affidavit with the court.

(c) **No Objection.** If no objection to a proposed change of a child's residence is timely served after notice, the proposing party may change the residence of the child and such shall not be considered a "relocation" under statute or rule.

(d) **Expedited Process.** The procedure in any relocation case shall be expedited. There shall be no require-

ment for parenting education or mediation prior to an expedited hearing before a judge.

(e) **Order Confirming Relocation.** If the party proposing the relocation seeks an order of court, has served a notice of proposed relocation as required by 23 Pa.C.S. § 5337, has not received notice of objection to the move, and seeks confirmation of relocation, the party proposing the relocation shall file:

(1) a complaint for custody and petition to confirm relocation, when no custody case exists, or

(2) a petition to confirm relocation when there is an existing custody case and

(3) a proposed order including the information set forth at 23 Pa.C.S. § 5337(c)(3).

(f) **Process for Relocating Party After Objection.** If the party proposing the relocation has received notice of objection to the proposed move after serving a notice of proposed relocation as required by 23 Pa.C.S. §§ 5337 *et seq.*, the party proposing relocation shall file:

(1) a complaint for custody or petition for modification, as applicable;

(2) a copy of the notice of proposed relocation served on the non-relocating party;

(3) a copy of the counter-affidavit indicating objection to relocation; and

(4) a request for a hearing.

(g) **Process for Opposing Party After Service of Notice.** If the non-relocating party has been served with a notice of proposed relocation and the party proposing relocation has not complied with subdivision (f) [**above**], the non-relocating party may file:

(1) a complaint for custody or petition for modification, as applicable;

(2) a counter-affidavit as set forth in 23 Pa.C.S. § 5337(d)(1), and

(3) a request for a hearing.

(h) **Order Preventing Relocation.** If a non-relocating party has not been served with a notice of proposed relocation and seeks an order of court preventing relocation, the non-relocating party shall file:

(1) a complaint for custody or petition for modification, as applicable;

(2) a statement of objection to relocation; and

(3) a request for a hearing.

(i) **Form of Notice.** The notice of proposed relocation shall be substantially in the following form:

(Caption)

NOTICE OF PROPOSED RELOCATION

You, _____, are hereby notified that _____ (party proposing relocation) _____ proposes to relocate with the following minor child(ren):

To object to the proposed relocation, you must complete the attached counter-affidavit and serve it on the other party by certified mail, return receipt requested, addressee only, or pursuant to [**Pa.R.C.P. No.] Rule 1930.4** within 30 days of receipt of this notice. If there is an existing child custody case, you also must file the counter-affidavit with the court. If you do not object to the proposed relocation within 30 days, the party proposing relocation has the right to relocate and may petition the court to approve the proposed relocation and to modify any effective custody orders or agreements. FAILURE TO OBJECT WITHIN 30 DAYS WILL PREVENT YOU FROM OBJECTING TO THE RELOCATION ABSENT EXIGENT CIRCUMSTANCES.

Address of the proposed new residence:

Check here if the address is confidential pursuant to 23 Pa.C.S. § 5336(b).

Mailing address of intended new residence (if not the same as above)

Check here if the address is confidential pursuant to 23 Pa.C.S. § 5336(b).

Names and ages of the individuals who intend to reside at the new residence:

Name	Age
------	-----

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Home telephone number of the new residence:

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Name of the new school district and school the child(ren) will attend after relocation:

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Date of the proposed relocation:

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Reasons for the proposed relocation:

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Proposed modification of custody schedule following relocation:

Other information:

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

[Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.]

(j) The counter-affidavit that [**must**] **shall** be served with the relocation notice shall be substantially in the following form as set forth in 23 Pa.C.S. § 5337(d):

COUNTER-AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

Child's Name	Age	Currently residing at:
Child's Name	Age	Currently residing at:
Child's Name	Age	Currently residing at:

I have received a notice of proposed relocation and (*check all that apply*):

1. I do not object to the relocation
2. I do not object to the modification of the custody order consistent with the proposal for modification set forth in the notice.
3. I do not object to the relocation, but I do object to modification of the custody order.
4. I plan to request that a hearing be scheduled by filing a request for hearing with the court:
 - a. Prior to allowing (name of child/children) to relocate.
 - b. After the child/children relocate.
5. I do object to the relocation
6. I do object to the modification of the custody order.

I understand that in addition to objecting to the relocation or modification of the custody order above, I must also serve this counter-affidavit on the other party by certified mail, return receipt requested, addressee only, or pursuant to [**Pa.R.C.P. No.] Rule 1930.4**, and, if there is an existing custody case, I must file this counter-affidavit with the court. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I understand that I will not be able to object to the relocation at a later time.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(Date)

(Signature)

[**Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.]**

Comment:

See Rule 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance. See also 50 U.S.C. § 3938 and 51 Pa.C.S. §§ 4109, 4110 related to child custody proceedings during a servicemember's deployment.

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

(*Editor's Note:* Rule 1920.42 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1920.42. Obtaining Divorce Decrees under [**Section] 23 Pa.C.S. § 3301(c)** or [**Section] § 3301(d) [of the Divorce Code]**. Affidavits and Counter-Affidavits. Requirements of the Affidavit of Consent. Ancillary Claims. Orders Approving Grounds for Divorce. Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record. [**Praecipe] Praecipe** to Transmit Record.

(a) **23 Pa.C.S. § 3301(c)(1)**. Obtaining a divorce decree under [**Section] 23 Pa.C.S. § 3301(c)(1) [of the Divorce Code]**.

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown, the court shall enter a decree in divorce after:

- (i) proof of service of the complaint has been filed;
- (ii) the parties have signed Affidavits of Consent 90 days or more after service of the complaint and have filed the affidavits within 30 days of signing, which may only be withdrawn by an order of court;
- (iii) the ancillary claims under [**Pa.R.C.P. No.] Rule 1920.31** and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(iv) the parties have signed and filed Waivers of Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record or, alternatively, the party requesting the divorce decree has served on the other party a Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record, which included a blank Counter-Affidavit under [**Section**] **23 Pa.C.S. § 3301(c)(1)** and a copy of the proposed [**Prae**cipe] **Prae**cipe to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record; and

(v) the party requesting the divorce decree has completed and filed a [**Prae**cipe] **Prae**cipe to Transmit Record. If the parties have not waived the Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record before filing the [**Prae**cipe] **Prae**cipe to Transmit Record.

[**Note: See Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.**]

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.72(e)(1) for the Counter-Affidavit under Section 3301(c)(1) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit Record.]

(2) To the extent that grounds for divorce have been established under [**Section**] **23 Pa.C.S. § 3301(c)(1) [of the Divorce Code]** as outlined in subdivision (a)(1)(ii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after:

(i) the parties have signed and filed Waivers of Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record or, alternatively, the party requesting the order approving grounds has served on the other party a Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record, which included a blank Counter-Affidavit [**under Section 3301(c)(1)**] and a copy of the proposed [**Prae**cipe] **Prae**cipe to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record; and

(ii) the party requesting the order approving grounds has completed and filed a [**Prae**cipe] **Prae**cipe to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the [**Prae**cipe] **Prae**cipe to Transmit Record before filing the [**Prae**cipe] **Prae**cipe to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

[**Note: See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Prae**cipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit Record.]

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a hearing officer to hear the ancillary claims as outlined in [**Pa.R.C.P. No.] Rule 1920.51.**

[**Note: See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Hearing Officer.**]

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a [**Prae**cipe] **Prae**cipe to Transmit Record requesting the court enter the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(b) **23 Pa.C.S. § 3301(c)(2).** Obtaining a divorce decree under [**Section**] **23 Pa.C.S. § 3301(c)(2) [of the Divorce Code]**.

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and a party has been convicted of a personal injury crime against his or her spouse, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed;

(ii) the party who is the victim of the personal injury crime:

(A) has signed and filed an Affidavit of Consent consistent with subdivision (a)(1)(ii); and

(B) has signed and filed an Affidavit to Establish Presumption of Consent under [**Section**] **23 Pa.C.S. § 3301(c)(2) [of the Divorce Code]** alleging [**his or her**] **the party's** status as a victim of a personal injury crime and that [**his or her**] **the party's** spouse has been convicted of that crime;

(iii) the filed affidavits and a blank Counter-Affidavit under [**Section**] **23 Pa.C.S. § 3301(c)(2) [of the Divorce Code]** have been served on the other party consistent with [**Pa.R.C.P. No.] Rule 1930.4**, and the other party has admitted or failed to deny the averments in the Affidavit to Establish Presumption of Consent under [**Section**] **23 Pa.C.S. § 3301(c)(2) [of the Divorce Code]**;

(A) If a party files a Counter-Affidavit [**under Section 3301(c)(2) of the Divorce Code**] denying an averment in the Affidavit to Establish Presumption of

Consent [**under Section 3301(c)(2) of the Divorce Code**], either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or, consistent with [**Pa.R.C.P. No.] Rule 1920.51(a)(1)(ii)(D)**, appoint a hearing officer to hear the testimony and to issue a report and recommendation.

[**Note: This subdivision requires service of the counter-affidavit on the non-moving party consistent with original process since the averments in the moving party's Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code are deemed admitted unless denied. See Pa.R.C.P. No. 1930.4 for service of original process and Pa.R.C.P. No. 1920.14(b) regarding failure to deny averments in the affidavit.]**

(iv) the ancillary claims under [**Pa.R.C.P. Nos.] Rules 1920.31 and 1920.33** have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) a minimum of 20 days from the date of service of the affidavits and blank Counter-Affidavit [**under Section 3301(c)(2)**] as set forth in **subdivision (b)(1)(iii)**, the party requesting the divorce decree has served on the other party a Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record, which included a copy of the proposed [**Praecipe] Praecipe** to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(vi) the party requesting the divorce decree has completed and filed a [**Praecipe] Praecipe** to Transmit Record. If the parties have not waived the Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record before filing the [**Praecipe] Praecipe** to Transmit Record.

[**Note: See Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.**

See Pa.R.C.P. No. 1920.72(c) for the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code.

See Pa.R.C.P. No. 1920.72(e)(2) for the Counter-Affidavit under Section 3301(c)(2) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit Record.]

(2) To the extent that grounds for divorce have been established [**under Section 3301(c)(2) of the Divorce Code**] as outlined in subdivision (b)(1)(ii)-(iii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after:

(i) a minimum of 20 days from the date of service of the affidavits and blank Counter-Affidavit [**under Section 3301(c)(2) of the Divorce Code**] as set forth in **subdivision (b)(1)(iii)**, the party requesting the order approving grounds has served on the other party a Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record, which included a copy of the proposed [**Praecipe] Praecipe** to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(ii) the party requesting the order approving grounds has completed and filed a [**Praecipe] Praecipe** to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the [**Praecipe] Praecipe** to Transmit Record before filing the [**Praecipe] Praecipe** to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

[**Note: See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.**

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit Record.]

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a hearing officer to hear the ancillary claims as outlined in [**Pa.R.C.P. No.] Rule 1920.51.**

[**Note: See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Hearing Officer.]**

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a [**Praecipe] Praecipe** to Transmit Record requesting the court enter

the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(c) **23 Pa.C.S. § 3301(d)**. Obtaining a divorce decree under **[Section] 23 Pa.C.S. § 3301(d) [of the Divorce Code]**.

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and the requisite separation period has elapsed, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed;

(ii) a party has signed and filed an Affidavit under **[Section] 23 Pa.C.S. § 3301(d) [of the Divorce Code]** averring that the marriage is irretrievably broken and that the parties have been separate and apart for the required separation period;

(iii) the filed **[a]** Affidavit and a blank Counter-Affidavit under **[Section] 23 Pa.C.S. § 3301(d) [of the Divorce Code]** have been served on the other party consistent with **[Pa.R.C.P. No.] Rule 1930.4**, and the other party has admitted or failed to deny the averments in the Affidavit **[under Section 3301(d) of the Divorce Code]**;

(A) If a party files a Counter-Affidavit **[under Section 3301(d) of the Divorce Code]** denying an averment in the Affidavit **[under Section 3301(d) of the Divorce Code]**, including the date of separation, either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or, consistent with **[Pa.R.C.P. No.] Rule 1920.51(a)(1)(ii)(D)**, appoint a hearing officer to hear the testimony and to issue a report and recommendation.

[Note: This subdivision requires service of the counter-affidavit on the nonmoving party consistent with original process since the averments in the moving party's Affidavit under § 3301(d) of the Divorce Code are deemed admitted unless denied. See Pa.R.C.P. No. 1930.4 for service of original process and Pa.R.C.P. No. 1920.14(b) regarding failure to deny averments in the affidavit.]

(iv) the ancillary claims under **[Pa.R.C.P. Nos.] Rules 1920.31 and 1920.33** have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) a minimum of 20 days from the date of service of the **[a]** Affidavit and blank Counter-Affidavit **[under Section 3301(d) of the Divorce Code]** as set forth in **subdivision (c)(1)(iii)**, the party requesting the divorce decree has served on the other party a Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record, which included a copy of the proposed **[Praeipice] Praeipice** to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(vi) the party requesting the divorce decree has completed and filed a **[Praeipice] Praeipice** to Transmit Record. If the parties have not waived the Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record before filing the **[Praeipice] Praeipice** to Transmit Record.

[Note: See Pa.R.C.P. No. 1920.72(d) for the Affidavit under Section 3301(d) of the Divorce Code.

See Pa.R.C.P. No. 1920.72(e)(3) for the Counter-Affidavit under Section 3301(d) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeipice to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeipice to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praeipice to Transmit Record.]

(2) To the extent that grounds for divorce have been established **[under Section 3301(d) of the Divorce Code]** as outlined in subdivision (c)(1)(ii)-(c)(1)(iii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after:

(i) a minimum of 20 days from the date of service of the **[a]** Affidavit and blank Counter-Affidavit **[under Section 3301(d) of the Divorce Code]** as set forth in **subdivision (c)(1)(iii)**, the party requesting the order approving grounds has served on the other party a Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record, which included a copy of the proposed **[Praeipice] Praeipice** to Transmit Record that indicated the date and manner of service of the Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record, except that service of such Notice of Intention is not required if:

(A) the parties have signed and filed Waivers of Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record; or

(B) the court finds that an attorney has not entered an appearance on the defendant's behalf and that the defendant cannot be located after a diligent search; and

(ii) the party requesting the order approving grounds has completed and filed a **[Praeipice] Praeipice** to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the **[Praeipice] Praeipice** to Transmit Record, the moving party shall

wait a minimum of 20 days after service of the Notice of Intention to File the [**Prae**cipe] *Prae*cipe to Transmit Record before filing the [**Prae**cipe] *Prae*cipe to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

[*Note: See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Prae*cipe to Transmit Record.]

*See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Prae*cipe to Transmit Record.

*See Pa.R.C.P. No. 1920.73(c) for the Prae*cipe to Transmit Record.]

(3) After the court enters an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a hearing officer to hear the ancillary claims as outlined in [**Pa.R.C.P. No.] Rule 1920.51.**

[*Note: See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Hearing Officer.]*

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a [**Prae**cipe] *Prae*cipe to Transmit Record requesting the court enter the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

[EXPLANATORY COMMENT—2019

On April 21, 2016, Act 24 of 2016 (Act of Apr. 21, 2016, P.L. 166, No. 24) amended the Divorce Code by adding 23 Pa.C.S. § 3301(c)(2). Section 3301(c)(2) creates a presumption of consent to a divorce if a party is the victim of a personal injury crime committed by his or her spouse, as outlined in 23 Pa.C.S. § 3103. The Act amended other correlative statutes in the Divorce Code, as well. To effectively incorporate procedures for the newly enacted Section 3301(c)(2) into the Rules of Civil Procedure, Pa.R.C.P. No. 1920.42 was rescinded and replaced.

In implementing Section 3301(c)(2), the rule utilizes an affidavit/counter-affidavit procedure similar to a Section 3301(d) divorce, which served as a template for the new procedure. The process for establishing the presumption of consent in Section 3301(c)(2) requires the party to aver in an affidavit that he or she had been the victim of a personal injury crime and that his or her spouse had been convicted of that personal injury crime. In response, the allegedly convicted spouse may oppose the establishment of the presumption by completing and filing a counter-affidavit. If the allegedly convicted spouse opposes the establishment of the presumption, the court may either schedule a hearing on the establishment of the presumption or

appoint a master to do so. As part of the revised divorce procedures, amended Pa.R.C.P. No. 1920.51(a)(1) permits the appointment of a master for a determination of the presumption under Section 3301(c)(2). To effectuate the new procedures for Section 3301(c)(2) divorces, several additional forms, including an Affidavit to Establish Presumption of Consent and a Counter-Affidavit under Section 3301(c)(2), have been added to the rules. *See Pa.R.C.P. No. 1920.72(c) and (e)(2).*

In addition to the changes to the rule related to 23 Pa.C.S. § 3301(c)(2), the rule has been further revised to provide a uniform practice across the Commonwealth for establishing a definitive point when the parties can move the court for resolution of any ancillary claims. As the court cannot resolve the ancillary claims until grounds for divorce have been established, Pa.R.C.P. No. 1920.42 includes procedures for obtaining approval of grounds for divorce in cases in which the parties have unresolved ancillary claims. This process requires that the parties obtain a court order approving grounds for divorce before seeking the appointment of a divorce master or requesting the court hear the ancillary claims raised in the pleadings. Forms have been correlatively amended or retitled to reflect this new procedure. The Waiver of Notice of Intention has been moved from Pa.R.C.P. No. 1920.72 to Pa.R.C.P. No. 1920.73.

As a result of these changes, Pa.R.C.P. No. 1920.42 specifically outlines the process for obtaining a decree for Section 3301(c)(1), Section 3301(c)(2), and Section 3301(d) divorces. Although the rule's length has expanded extensively, the detailed procedure alleviates confusion on when and how to obtain a divorce decree and further assists unrepresented parties to maneuver through a complicated procedure.]

Comment:

See Rule 1920.72(b) for the Affidavit of Consent.

See Rule 1920.72(c) for the Affidavit to Establish Presumption of Consent under 23 Pa.C.S. § 3301(c)(2).

See Rule 1920.72(d) for the Affidavit under 23 Pa.C.S. § 3301(d).

See Rule 1920.72(e)(1) for the Counter-Affidavit under 23 Pa.C.S. § 3301(c)(1).

See Rule 1920.72(e)(2) for the Counter-Affidavit under 23 Pa.C.S. § 3301(c)(2).

See Rule 1920.72(e)(3) for the Counter-Affidavit under 23 Pa.C.S. § 3301(d).

*See Rule 1920.73(a) for the Notice(s) of Intention to File the Prae*cipe to Transmit Record.

*See Rule 1920.73(b) for the Waiver of Notice of Intention to File the Prae*cipe to Transmit Record.

*See Rule 1920.73(c) for the Prae*cipe to Transmit Record.

See Rules 1920.51(a)(3) and 1920.74(a) for the Motion for Appointment of Hearing Officer.

Subdivision (e) requires service of the counter-affidavit on the non-moving party consistent with original process since the averments in the moving party's Affidavit to Establish Presumption of Consent under 23 Pa.C.S. § 3301(c)(2) are deemed ad-

mitted unless denied. See Rule 1930.4 for service of original process and Rule 1920.14(b) regarding failure to deny averments in the affidavit.

Subdivision (i) requires service of the counter-affidavit on the nonmoving party consistent with original process since the averments in the moving party's Affidavit under 23 Pa.C.S. § 3301(d) are deemed admitted unless denied. See Rule 1930.4 for service of original process and Rule 1920.14(b) regarding failure to deny averments in the affidavit.

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

Rule 1920.46. [Affidavit of Non-Military Service] [Rescinded].

[If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a master, prior to a trial by the court, or with the plaintiff's affidavit required by Pa.R.C.P. No. 1920.42(b)(1)(ii) and (c)(1)(ii).

Note: The Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901—4043, requires that in cases in which the defendant does not make an appearance, the plaintiff must file an affidavit of nonmilitary service before the court may enter judgment. If the defendant is in the military service and an attorney has not entered an appearance on behalf of the defendant, a judgment shall not be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

Actions for divorce under Section 3301(c)(2) and (d)(1)(i) of the Divorce Code are governed by Pa.R.C.P. No. 1920.42(b) and (c), respectively.

EXPLANATORY COMMENT—2003

35 P.S. § 450.602 previously required a certificate of each divorce or annulment decreed in the Commonwealth to be transmitted to the Vital Statistics Division of the Commonwealth of Pennsylvania Department of Health. The statute was amended October 30, 2001, P.L. 826, No. 82, § 1, effective in 60 days, to require that the prothonotary submit a monthly statistical summary of divorces and annulments, rather than individual forms for each decree. Thus, subdivision (a) of Rule 1920.46, requiring the filing of the vital statistics form, is no longer necessary. Former subdivision (b) now comprises the entirety of the rule and the title has been amended to reflect that the rule applies only to the affidavit regarding military service.]

(Editor's Note: Rule 1920.51 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1920.51. Hearing by the Court. Appointment of Hearing Officer. Notice of Hearing.

(a) **Hearing.** In an action of divorce or annulment:

(1) the court may:

(i) hear the testimony; or

(ii) upon motion of a party or of the court, appoint a hearing officer:

(A) before entry of the divorce decree to hear the testimony for the ancillary claims of alimony, equitable division of marital property, partial physical custody, supervised physical custody, counsel fees, and costs and

expenses, which are raised in the pleadings, and to issue a report and recommendation, provided that grounds for divorce under [Sections] 23 Pa.C.S. §§ 3301(c) or 3301(d) [of the Divorce Code] have been established and approved by the court as outlined in [Pa.R.C.P. No.] Rule 1920.42;

(B) before approving grounds for divorce under [Sections] 23 Pa.C.S. §§ 3301(c) or 3301(d) [of the Divorce Code] for the limited purpose of assisting the parties and the court on issues of discovery or settlement;

(C) to hear the testimony for establishing grounds for divorce under [Sections] 23 Pa.C.S. §§ 3301(a) or 3301(b) [of the Divorce Code] or annulment and the ancillary claims, which are raised in the pleadings, and to issue a report and recommendation; or

(D) after a party files a counter-affidavit denying the averments in the affidavit in an action under [Section] 23 Pa.C.S. §§ 3301(c)(2) or 3301(d) [of the Divorce Code], including the date of separation, to hear the testimony and to issue a report and recommendation.

(2) the court shall not appoint a hearing officer:

(i) to approve grounds for divorce under [Sections] 23 Pa.C.S. §§ 3301(c) or 3301(d) [of the Divorce Code]; or

[*Note:* See Pa.R.C.P. No. 1920.42 for approving grounds for divorce under Sections 3301(c) and 3301(d) of the Divorce Code.]

(ii) for the claims of legal custody, sole physical custody, primary physical custody, shared physical custody, or paternity.

[*Note:* Section 3321 of the Divorce Code prohibits the appointment of a hearing officer as to the claims of custody and paternity. However, as set forth in Pa.R.C.P. No. 1920.91(3), the Supreme Court of Pennsylvania suspended Section 3321 insofar as that section prohibits the appointment of a hearing officer in partial physical custody cases.]

(3) The Motion for the Appointment of a Hearing Officer and the order shall be substantially in the form prescribed by [Pa.R.C.P. No.] Rule 1920.74. The order appointing the hearing officer shall specify the issues or ancillary claims that are referred to the hearing officer.

(4) A permanent or standing hearing officer employed by or under contract with a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing hearing officer, or judge of the same judicial district.

[*Note:* Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of hearing officer to hear actions in divorce or annulment is authorized by Section 3321 of the Divorce Code.]

(b) **Hearing Notice.** Written notice of the hearing shall be given to each attorney of record by the hearing officer. If a hearing officer has not been appointed, the prothonotary, clerk, or other officer designated by the court shall give the notice.

(c) **Service of Notice.** If no attorney has appeared of record for a party, notice of the hearing shall be given to the party by the hearing officer, or if a hearing officer has not been appointed, by the prothonotary, clerk, or other officer designated by the court, as follows:

(1) to the plaintiff, by ordinary mail to the address on the complaint;

(2) to the defendant,

(i) if service of the complaint was made other than pursuant to special order of court, by ordinary mail to the defendant's last known address; or

(ii) if service of the complaint was made pursuant to special order of court, [(a)] **either** by sending a copy of the notice by ordinary mail to the persons, if any, named in the investigation affidavit, likely to know the present whereabouts of the defendant; [and (b)] **or** by sending a copy by registered mail to the defendant's last known address.

[**Note:** Under Rule 76, registered mail includes certified mail.]

(d) **Advertising.** Advertising of notice of the hearing shall not be required.

(e) **Proof of Notice.** Proof of notice shall be filed of record.

[**Note:** Consistent with Section 3301(e) of the Divorce Code as amended, these rules contemplate that if a divorce decree may be entered under the no fault provisions of §§ 3301(c) or (d), a divorce decree will be entered on these grounds and no hearing shall be required on any other grounds.

EXPLANATORY COMMENT—1994

While subdivision (a)(2)(ii) clearly prohibits appointment of a master to determine a divorce claim brought under §§ 3301(c) or 3301(d), the provision does permit a master to hear claims which are joined with the divorce action.

The rule is amended to conform with proposed new Rules 1915.4-1 and 1915.4-2, and to remove the implied prohibition against the use of hearing officers in partial custody or visitation cases.

EXPLANATORY COMMENT—2010

The rule is amended to clarify the role of the master in a divorce case when either party has asserted grounds for divorce pursuant to § 3301(c) or § 3301(d) of the Divorce Code. The rule had been interpreted in some jurisdictions as requiring the entry of a bifurcated decree before a master could be appointed to hear economic claims.

EXPLANATORY COMMENT—2019

Subdivision (a)(1)(ii)(A) provides for the appointment of a master to hear, *inter alia*, partial physical custody cases. The authority for a master to hear partial physical custody cases is 23 Pa.C.S. § 3321, which the Supreme Court of Pennsylvania suspended in part to allow masters to hear partial physical custody cases. However, this rule should not be construed to require a court to appoint masters in partial physical custody or supervised physical custody cases. Nor should the rule be construed as inconsistent with Pa.R.C.P. Nos.

1915.4-1, 1915.4-2, or 1915.4-3 that provide for conference officers and hearing officers in custody cases.]

Comment:

See Rule 1920.42 for approving grounds for divorce under 23 Pa.C.S. §§ 3301(c) and 3301(d).

23 Pa.C.S. § 3321 prohibits the appointment of a hearing officer as to the claims of custody and paternity. However, as set forth in Rule 1920.91 the Supreme Court of Pennsylvania suspended 23 Pa.C.S. § 3321 insofar as that section prohibits the appointment of a hearing officer in partial physical custody cases.

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

Conference officers preside at office conferences under Rule 1910.1. Hearing officers preside at hearings under Rule 1910.12. The appointment a hearing officer to hear actions in divorce or annulment is authorized by 23 Pa.C.S. § 3321.

Under Rule 76, registered mail includes certified mail.

Consistent with 23 Pa.C.S. § 3301(e), these rules contemplate that if a divorce decree may be entered under the no fault provisions of §§ 3301(c) or (d), a divorce decree will be entered on these grounds and no hearing shall be required on any other grounds.

Subdivision (a)(1)(ii)(A) provides for the appointment of a hearing officer to hear, *inter alia*, partial physical custody cases. The authority for a master to hear partial physical custody cases is 23 Pa.C.S. § 3321, which the Supreme Court of Pennsylvania suspended in part to allow hearing officers to hear partial physical custody cases. However, this rule should not be construed to require a court to appoint hearing officers in partial physical custody or supervised physical custody cases. Nor should the rule be construed as inconsistent with Pa.R.Civ.P. 1915.4-1, 1915.4-2, or 1915.4-3 that provide for conference officers and hearing officers in custody cases.

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

(Editor's Note: Rule 1930.6 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the Explanatory Comment is not currently codified in the *Pennsylvania Code*.)

Rule 1930.6. Paternity. [**Actions. Scope. Venue. Commencement of Action.**]

(a) This rule shall govern the procedure by which a putative father may initiate a civil action to establish paternity and seek genetic testing. Such an action shall not be permitted if an order already has been entered as to the paternity, custody, or support of the child, or if a support or custody action to which the putative father is a party is pending.

(b) An action may be brought only in the county in which the defendant or the child [(ren)] resides.

(c) An action shall be commenced by filing a verified complaint to establish paternity and for genetic testing substantially in the form set forth in subdivision (c)(1). The complaint shall have as its first page the Notice of Hearing and Order set forth in subdivision (c)(2).

[**Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file**

confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.]

(1) The complaint filed in a civil action to establish paternity shall be substantially in the following form:

(Caption)

COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING

Plaintiff, _____, requests genetic testing to establish paternity pursuant to 23 Pa.C.S. § 4343 and in support of that request states that:

1. Plaintiff is an adult individual who resides at _____.
2. Defendant is an adult individual who resides at _____.
3. Defendant is the natural mother and Plaintiff believes that he may be the natural father of the following child(ren):

Child's Name	Date of Birth

4. The above-named children reside at the following address with the following individuals:

Address	Person(s) Living with Child	Relationship with Child

5. Defendant was/was not married at the time the child(ren) was/were conceived or born.
6. Defendant is/is not now married. If married, spouse's name: _____
7. There is/is not a custody, support or other action involving the paternity of the above-named child(ren) now pending in any jurisdiction.
Identify any such actions by caption and docket number _____
8. There has/has not been a determination by any court as to the paternity of the child(ren) in any prior support, custody, divorce, or any other action.
If so, identify the action by caption and docket number _____
9. Plaintiff agrees to pay all costs associated with genetic testing directly to the testing facility in accordance with the procedures established by that facility.

Wherefore, Plaintiff requests that the court order Defendant to submit to genetic testing and to make the child(ren) available for genetic testing.

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

Petitioner

- (2) The Notice of Hearing and Order required by this rule shall be substantially in the following form:

(Caption)

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled below. If you fail to do so, the case may proceed against you and a final order may be entered against you granting the relief requested by the plaintiff.

Plaintiff and Defendant are directed to appear on the _____ day of _____, 20__ at __.m. in courtroom _____ for a hearing on Plaintiff's request for genetic testing. If you fail to appear as ordered, the court may enter an order in your absence requiring you and your child(ren) to submit to genetic tests.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(name) _____
 (address) _____
 (telephone number) _____

Americans with Disabilities Act of 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

(d) *Service.* Service of original process and proof of service in a civil action to establish paternity shall be in accordance with Rule 1930.4.

(e) *Hearing and Order.* At the hearing, the judge will determine whether or not the plaintiff is legally entitled to genetic testing and, if so, will issue an order directing the defendant and the child(ren) to submit to genetic testing, the cost of which shall be borne by the plaintiff.

[EXPLANATORY COMMENT—2001

Where the paternity of a child born out-of-wedlock is disputed, 23 Pa.C.S. § 4343 provides that the court shall make the determination of paternity in a civil action without a jury. That statutory provision also states, “A putative father may not be prohibited from initiating a civil action to establish paternity.” Rule 1930.6 governs the procedures by which a putative father may initiate a civil action to establish paternity outside the context of a support or custody proceeding.]

Comment:

See Rule 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

Where the paternity of a child born out-of-wedlock is disputed, 23 Pa.C.S. § 4343 provides that the court shall make the determination of paternity in a civil action without a jury. That statutory provision also states, “A putative father may not be prohibited from initiating a civil action to establish paternity.” This rule governs the procedures by which a putative father may initiate a civil action to establish paternity outside the context of a support or custody proceeding.

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

(The following text is entirely new.)

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

Rule 1930.10. Servicemembers Civil Relief Act.

(a) *Affidavit.* If a defendant/respondent does not make an appearance in a proceeding, and before the court enters an order in favor of the plaintiff/petitioner, the

plaintiff/petitioner shall file an affidavit pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931:

(1) stating whether the non-appearing defendant/respondent is in military service and showing necessary facts to support the affidavit; or

(2) if the plaintiff/petitioner is unable to determine whether the non-appearing defendant/respondent is in military service, that the plaintiff/petitioner is unable to determine whether the non-appearing defendant/respondent is in military service.

(b) *Proceeding.* For purposes of this rule, the term “proceeding” shall have the following meanings in the indicated actions.

(1) *Support.* When a party does not attend an office conference as set forth in Pa.R.Civ.P. 1910.11 or 1910.12.

(2) *Divorce or Annulment.*

(1) *Sections 3301(a) or (b), or Section 3303.* When a party does not attend a judicial or divorce hearing officer’s conference or conciliation; or

(2) *Sections 3301(c)(2) or (d).* When a party does not file a counter-affidavit within the specified time after service of the affidavit required by Pa.R.Civ.P. 1920.42(b)(1)(ii) or (c)(1)(ii).

(3) *Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.* When a party does not attend a temporary or final hearing pursuant to Pa.R.Civ.P. 1901, *et seq.* or Pa.R.Civ.P. 1951, *et seq.*

(4) *Custody.*

(i) *Initial Proceeding or Modification.* When a party does not attend an office conference as set forth in Pa.R.Civ.P. 1915.4-2 or a non-record proceeding as set forth in Pa.R.Civ.P. 1915.4-3; or

(ii) *Relocation.* When a party proposes a relocation as set forth in Pa.R.Civ.P. 1915.17 and after service of the Notice of Proposed Relocation, the non-relocating party does not return or file the counter-affidavit within the specified time.

(5) *Paternity.*

(i) *Civil Action.* When a putative father initiates a civil action to establish paternity and requests genetic testing pursuant to Pa.R.Civ.P. 1930.6, the mother does not attend the hearing as provided in Pa.R.Civ.P. 1930.6(e).

(ii) *Support or Custody Action.* When a paternity issue is raised in a support or custody action, a party does not attend the proceeding as provided in subdivision (b)(1) or (b)(2)(i), respectively.

(6) *Pending Actions.* When a party is requesting relief from the court, including but not limited to a contempt proceeding or a request for special or emergency relief, which may adversely affect a servicemember’s civil rights during military service, a party does not attend the proceeding.

Comment:

“Military service” is defined by 50 U.S.C. § 3911(2) and a report of a person’s “military status” can be requested at <https://scra.dmdc.osd.mil/scra/#/home>. If a parent or

guardian is in military service, then the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. §§ 4101 *et seq.*, may provide additional protections and procedures.

The requirement of an affidavit may be satisfied by an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904. *See* 42 Pa.C.S. § 102. A verified statement form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it meets the requirements of this rule.

CHAPTER 1950. ACTIONS PURSUANT TO THE PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ACT

Rule 1956. [No] Responsive Pleading Not Required.

No pleading need be filed in response to the petition or the certified emergency order. All averments not admitted shall be deemed denied.

Comment:

See Rule 1930.10 (Servicemembers Civil Relief Act) for affidavit of military service requirements if an opposing party does not make an appearance.

CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

(*Editor's Note:* Rule 2955 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 2955. Confession of Judgment.

(a) **Complaint.** The plaintiff shall file with the complaint a confession of judgment substantially in the form provided by Rule 2962.

(b) **Signature.** The attorney for the plaintiff may sign the confession as attorney for the defendant unless an Act of Assembly or the instrument provides otherwise.

[**Note:** There are local rules in some counties requiring the filing of an affidavit of non-military service. See also the Servicemembers Civil Relief Act, 50 U.S.C.A. Appendix § 521.]

Comment:

See Rule 243 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a defendant does not make an appearance.

PART II. ORPHANS' COURT RULES

(*Editor's Note:* Rules 2.12, 3.16 and 15.23 are proposed to be added and are printed in regular type to enhance readability.)

CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

(The following text is entirely new.)

Rule 2.12. Servicemembers Civil Relief Act.

In any matter brought pursuant to this Chapter, the accountant shall state in a filed affidavit pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931, for every proposed representative identified in Rule 2.4(b)(2)-(3) and every interested party not represented pursuant to that rule:

(a) whether the proposed representative or interested party is in military service and showing necessary facts to support the affidavit; or

(b) if the accountant is unable to determine whether the proposed representative or interested party is in military service, that the accountant is unable to determine whether the proposed representative or interested party is in military service.

Comment:

As used in this rule, the terms "interested party" and "proposed representative" are limited to individuals, insofar as an entity is incapable of military service. The accountant is not required to provide an affidavit for an entity.

"Military service" is defined by 50 U.S.C. § 3911(2) and a report of a person's "military status" can be requested at <https://scra.dmdc.osd.mil/scra/#/home>. If an interested party is in military service, then the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, may impose additional protections. The Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105, also provides protections for Pennsylvania National Guard members in active service of the Commonwealth that, *inter alia*, prohibit the issuance or enforcement of civil process.

The requirement of an affidavit may be satisfied by an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904. *See* 42 Pa.C.S. § 102. A verified statement form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it meets the requirements of this rule.

The accountant is not required to file the affidavit for an interested party represented pursuant to Pa.R.O.C.P. 2.4(b)-(c), pertaining to representation of parties in interest.

CHAPTER III. PETITION PRACTICE AND PLEADING

(The following text is entirely new.)

Rule 3.16. Servicemembers Civil Relief Act.

In any matter brought pursuant to this Chapter, the petitioner shall state in a filed affidavit pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931, for every proposed representative identified in Rule 3.4(a)(7)(ii)-(iii) and every interested party not represented pursuant to that rule:

(a) whether the proposed representative or interested party is in military service and showing necessary facts to support the affidavit; or

(b) if the petitioner is unable to determine whether the proposed representative or interested party is in military service, that the petitioner is unable to determine whether the proposed representative or interested party is in military service.

Comment:

As used in this rule, the terms "interested party" and "proposed representative" are limited to individuals, insofar as an entity is incapable of military service. The petitioner is not required to provide an affidavit for an entity.

"Military service" is defined by 50 U.S.C. § 3911(2) and a report of a person's "military status" can be requested at <https://scra.dmdc.osd.mil/scra/#/home>. If an interested party is in military service, then the Servicemembers

Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, may impose additional protections. The Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105, also provides protections for Pennsylvania National Guard members in active service of the Commonwealth that, *inter alia*, prohibit the issuance or enforcement of civil process.

The requirement of an affidavit may be satisfied by an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904. *See* 42 Pa.C.S. § 102. A verified statement form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it meets the requirements of this rule.

The petitioner is not required to file the affidavit for an interested party represented pursuant to Rule 3.4(a)(7)(ii)-(iii), pertaining to representation of parties in interest.

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

Rule 14.1. Guardianship Petition Practice and Pleading.

(a) *Proceedings for Adjudication of Incapacity and Appointment of a Guardian.* The following petition practice and pleading requirements set forth in Chapter III (Petition Practice and Pleading) shall be applicable to proceedings for the adjudication of incapacity and appointment of a guardian:

- (1) Rule 3.2 (Headings; Captions);
- (2) Rule 3.3 (Contents of All Petitions; General and Specific Averments);
- (3) Rule 3.12 (Signing);
- (4) Rule 3.13 (Verification); [and]
- (5) Rule 3.14 (Amendment); and
- (6) Rule 3.16 (Servicemembers Civil Relief Act) for persons identified in Rule 14.2(a)(3).

(b) *Responsive Pleadings to a Petition for Adjudication of Incapacity and Appointment of a Guardian Filed Pursuant to Rule 14.2.*

(1) Permitted responsive pleadings to a petition seeking the adjudication of incapacity and appointment of a guardian are limited to those identified in Rule 3.6 (Pleadings Allowed After Petition) and shall be subject to Rules 3.10 (Denials; Effect of Failure to Deny) and 3.11 (Answer with New Matter).

(2) The alleged incapacitated person and any person or institution served pursuant to Rule 14.2(f)(2) may file a responsive pleading.

(3) Any responsive pleading shall be filed with the clerk and served pursuant to Rule 4.3 (Service of Legal Paper Other than Citations or Notices) on all others entitled to file a responsive pleading pursuant to [**subparagraph (b)(2)**] **subdivision (b)(2)**.

(4) All responsive pleadings shall be filed and served no later than five days prior to the hearing. The failure to file or timely file and serve a responsive pleading does not waive the right to raise an objection at the hearing.

(5) The court shall determine any objections at the adjudicatory hearing.

(c) *All Other Petitions for Relief.* Unless otherwise provided by [**Rule**] **rule** in this Chapter, the petition practice and pleading requirements set forth in Chapter III shall be applicable to any proceeding under these [**Rules**] **rules** other than a petition seeking the adjudication of incapacity and appointment of a guardian. "Interested party" as used in Chapter III shall include all those entitled to service pursuant to Rule 14.2(f).

(d) *Intervention.* A petition to intervene shall set forth the ground on which intervention is sought and a statement of the issue of law or question of fact the petitioner seeks to raise. The petitioner shall attach to the petition a copy of any pleading that the petitioner will file if permitted to intervene. A copy of the petition shall be served pursuant on all those entitled to service pursuant to Rule 14.2(f).

[Explanatory Comment] Comment:

This [**Rule**] **rule** is intended to specify the provisions and procedures of Chapter III that are applicable to proceedings under Chapter XIV. In proceedings for the adjudication of incapacity and appointment of a guardian, responsive pleadings are permitted as a means of identifying contested legal issues and questions of fact prior to the adjudicatory hearing. However, given the abbreviated time for filing a responsive pleading relative to other proceedings [(**Compare Pa. O.C. Rule 3.7(a)**)], the failure to file a responsive pleading should not operate to preclude an issue or objection from being raised and considered at the hearing. **Compare Pa.R.O.C.P. 3.7(a)**. Such pleadings should not be filed as a means of delaying the hearing on the merits of the petition.

The practice for other petitions is to follow the requirements of Chapter III. Nothing in this [**Rule**] **rule** is intended to prevent relief being sought on an expedited basis, provided the petitioner or respondent is able to establish circumstances to the satisfaction of the court warranting disregard of procedural requirements. *See* [**Pa. O.C. Rule**] **Pa.R.O.C.P. 1.2(a)**.

CHAPTER XV. ADOPTIONS

Rule 15.7. Voluntary Relinquishment to Agency.

* * * * *

[Explanatory] Comment:

See Rule 15.23 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a birth parent, putative father, or presumptive father does not make an appearance.

Section 2733(c) of the Adoption Act requires the agency, the intermediary or an attorney for a party to provide notice of the opportunity to enter into a Contact Agreement to the Prospective Adoptive Parents, a birth parent, and, in some instances, a child. Notice to a birth relative who is not a birth parent is not statutorily required, although birth relatives may enter into and become parties to a Contact Agreement. An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. *See* [**Rule**] **Pa.R.O.C.P. 15.3(b)**.

Rule 15.8. Voluntary Relinquishment to Adult Intending to Adopt Child.

* * * * *

[Explanatory] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the

time of filing the initial petition to terminate parental rights. See [Rule] Pa.R.O.C.P. 15.3(b).

See Rule 15.23 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a birth parent, putative father, or presumptive father does not make an appearance.

For additional information about notice of the opportunity to enter into a Contact Agreement, see [the Explanatory Comment to Rule 15.7] Pa.R.O.C.P. 15.7, cmt.

Rule 15.9. Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption.

* * * * *

[Explanatory] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See [Rule] Pa.R.O.C.P. 15.3(b).

See Rule 15.23 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a birth parent, putative father, or presumptive father does not make an appearance.

For additional information about notice of the opportunity to enter into a Contact Agreement, see [the Explanatory Comment to Rule 15.7] Pa.R.O.C.P. 15.7, cmt.

Rule 15.10. Involuntary Termination of Parental Rights.

* * * * *

[Explanatory] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. See [Rule] Pa.R.O.C.P. 15.3(b).

If the petitioner is an agency, Prospective Adoptive Parents need not have been identified prior to the agency's filing of a petition to involuntarily terminate parental rights. Also, an averment of a present intent to adopt the child is not required if the petitioner is an agency. Where petitioner is an individual, see Rule 15.6. Neither the averments nor evidence set forth in subdivisions (a)(13) and (b)(2) are required when the petition has been filed by a parent seeking to involuntarily terminate the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7)(relating to a child conceived as a result of a rape or incest). See 23 Pa.C.S. § 2514.

See Rule 15.23 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a birth parent, putative father, or presumptive father does not make an appearance at the hearing on the petition.

Section 2733(c) of the Adoption Act requires the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party to provide notice to the Prospective Adoptive Parents, birth parents, and, in some instances, a child of the opportunity to enter into a Contact Agreement. The statute does not require notice to birth relatives who are not the birth parents, although birth relatives may enter into and become parties to a Contact Agreement.

It is understood that County Agencies may be encouraged early in the process, even during dependency pro-

ceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date(s) as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

Rule 15.13. Adoption.

* * * * *

[Explanatory] Comment:

The court, in its discretion, can dispense with any statutory requirement of the Adoption Act for cause shown. See 23 Pa.C.S. § 2901. As a result, if petitioner is unable to satisfy all the prerequisites or attach all the exhibits required by the Adoption Act, the adoption petition should not be dismissed summarily. Rather, the petitioner should be afforded an opportunity to demonstrate why a statutory requirement has not or cannot be met and why the proposed adoptee's best interests nevertheless are served by granting the adoption petition. *In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002). If, upon reviewing the petition's averments as to why a statutory requirement should be waived, the court determines that cause has been demonstrated, the court can grant the relief requested and dispense with the relevant statutory requirement without conducting a hearing. However, if the court is not inclined to waive the pertinent statutory requirement, the petitioner is entitled to a hearing and an opportunity to present evidence in support of the averments in the petition. See *In re Adoption of R.B.F. and R.C.F.*

[Subparagraph] Subdivision (c)(1) [of this Rule]

applies if a parent's parental rights are being terminated as part of the hearing on the adoption petition. In such cases, the birth parent, putative father, or presumptive father whose rights are being terminated must receive notice of the adoption hearing in accordance with Rule 15.4. On the other hand, such persons do not need to be notified of the adoption hearing if (i) he or she previously consented to the adoption and his or her consent was confirmed by the court as provided in 23 Pa.C.S. § 2504 and Rule 15.9; (ii) he or she previously relinquished his or her parental rights as provided in 23 Pa.C.S. §§ 2501, 2502 and Rule 15.7 or Rule 15.8 as applicable; or (iii) his or her parental rights were involuntarily terminated by the court as provided in 23 Pa.C.S. §§ 2511 *et seq.* and Rule 15.10.

See Rule 15.23 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a birth parent, putative father, or presumptive father does not make an appearance at the hearing on the petition.

(The following text is entirely new.)

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

Rule 15.23. Servicemembers Civil Relief Act.

In any matter brought pursuant to this Chapter, in which a birth parent, putative father, or presumptive father does not make an appearance, and before the court enters judgment in favor of the petitioner, the petitioner shall state in a filed affidavit pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931:

- (a) whether the non-appearing birth parent, putative father, or presumptive father is in military service and showing necessary facts to support the affidavit; or

(b) if the petitioner is unable to determine whether the non-appearing birth parent, putative father, or presumptive father is in military service, that the petitioner is unable to determine whether the birth parent, putative father, or presumptive father is in military service.

Comment:

“Military service” is defined by 50 U.S.C. § 3911(2) and a report of a person’s “military status” can be requested at <https://scra.dmdc.osd.mil/scra/#/home>. If a birth parent, putative father, or presumptive father is in military service, then the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. §§ 4101 *et seq.*, may provide additional protections and procedures.

The requirement of an affidavit may be satisfied by an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904. *See* 42 Pa.C.S. § 102. A verified statement form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it meets the requirements of this rule.

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART E. Miscellaneous Warrants

Rule 150. Bench Warrants.

* * * * *

Comment:

This rule addresses only the procedures to be followed after a bench warrant is executed, and does not apply to execution of bench warrants outside the Commonwealth, which are governed by the extradition procedures in 42 Pa.C.S. § 9101 *et seq.*, or to warrants issued in connection with probation or parole proceedings.

For the bench warrant procedures when a witness is under the age of 18 years, see Rule 151.

With respect to members of the Pennsylvania National Guard, the Pennsylvania Guard, and the Pennsylvania Militia, “[n]o officer or enlisted person shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty.” 51 Pa.C.S. § 4104 (Exemption from arrest).

Paragraph (A)(2) permits the bench warrant hearing to be conducted using two-way simultaneous audio-visual communication, which is a form of advanced communication technology. *See* Rule 103. Utilizing this technology will aid the court in complying with this rule, and in ensuring individuals arrested on bench warrants are not detained unnecessarily.

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CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART D. Arrest Procedures in Summary Cases

PART D(1). Arrests With a Warrant

Rule 430. Issuance of Warrant.

* * * * *

Comment:

Personal service of a citation under paragraph (B)(1) is intended to include the issuing of a citation to a defendant as provided in Rule 400 and the rules of Chapter 4, Part B(1).

When the defendant is under 18 years of age, and the defendant has failed to respond to the citation, the issuing authority must issue a summons as provided in Rule 403(B)(4)(a). If the defendant fails to respond to the summons, the issuing authority should issue a warrant as provided in either paragraph (A)(1) or (B)(1).

A bench warrant may not be issued under paragraph (B)(1) when a defendant fails to respond to a citation or summons that was served by first class mail. *See* Rule 451.

With respect to members of the Pennsylvania National Guard, the Pennsylvania Guard, and the Pennsylvania Militia, “[n]o officer or enlisted person shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty.” 51 Pa.C.S. § 4104 (Exemption from arrest).

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service’s return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

* * * * *

Rule 431. Procedure When Defendant Arrested With Warrant.

* * * * *

Comment:

For the procedure in court cases following arrest with a warrant initiating proceedings, see Rules 516, 517, and 518. *See also* the Comment to Rule 706 (Fines or Costs) that recognizes the authority of a common pleas court judge to issue a bench warrant for the collection of fines and costs and provides for the execution of the bench warrant as provided in either paragraphs (C)(1)(c) or (C)(1)(d) and (C)(2) of this rule.

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer’s primary jurisdiction. *See also Commonwealth v. Mason*, 490 A.2d 421 (Pa. 1985).

With respect to members of the Pennsylvania National Guard, the Pennsylvania Guard, and the Pennsylvania Militia, “[n]o officer or enlisted person shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty.” 51 Pa.C.S. § 4104 (Exemption from arrest).

Nothing in paragraph (A) is intended to preclude the issuing authority when issuing a warrant pursuant to Rule 430 from authorizing in writing on the warrant that the police officer may execute the warrant at any time and bring the defendant before that issuing authority for a hearing under these rules.

* * * * *

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 515. Execution of Arrest Warrant.

* * * * *

Comment:

No substantive change in the law is intended by paragraph (A) of this rule; rather, it was adopted to carry on those provisions of the now repealed Criminal Procedure Act of 1860 that had extended the legal efficacy of an arrest warrant beyond the jurisdictional limits of the issuing authority. The Judicial Code now provides that the territorial scope of process shall be prescribed by the Supreme Court's procedural rules. 42 Pa.C.S. §§ 931(d), 1105(b), 1123(c), 1143(b), 1302(c), 1515(b).

For the definition of police officer, see Rule 103.

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer's primary jurisdiction. *See also Commonwealth v. Mason*, 507 Pa. 396, 490 A.2d 421 (1985).

With respect to members of the Pennsylvania National Guard, the Pennsylvania Guard, and the Pennsylvania Militia, "[n]o officer or enlisted person shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty." 51 Pa.C.S. § 4104 (Exemption from arrest).

Pursuant to Rule 540, the defendant is to receive a copy of the warrant and the supporting affidavit at the time of the preliminary arraignment.

* * * * *

TITLE 237. JUVENILE RULES**PART I. RULES****Subpart B. DEPENDENCY MATTERS****CHAPTER 11. GENERAL PROVISIONS****PART A. BUSINESS OF COURTS****Rule 1122. Continuances.**

[**A.**] **(a)** *Generally.* In the interests of justice, the court may grant a continuance on its own motion or the motion of any party. On the record, the court shall identify the moving party and state its reasons for granting or denying the continuance.

[**B.**] **(b)** *Notice and [rescheduling] Rescheduling.* If a continuance is granted, all persons summoned to appear shall be notified of the date, place, and time of the rescheduled hearing.

Comment:

Whenever possible, continuances should not be granted when they could be deleterious to the safety or well-being of a party. The interests of justice require the court to look at all the circumstances, effectuating the purposes of the Juvenile Act, 42 Pa.C.S. § 6301, in determining whether a continuance is appropriate.

A party seeking a continuance should notify the court and opposing counsel as soon as possible. Whenever possible, given the time constraints, notice should be written.

Under [**paragraph (B)**] **subdivision (b)**, if a person is summoned to appear and the case is continued, the party is presumed to be under the scope of the original summons and a new summons is not necessary.

See Rules 1344 and 1345 for motion and filing procedures.

See In re Anita H., [**351 Pa. Super. 342,**] 505 A.2d 1014 (**Pa. Super.** 1986).

For the availability of a stay when a party is in military service, see 50 U.S.C. § 3932.

[**Official Note: Rule 1122 adopted August 21, 2006, effective February 1, 2007.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1122 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).]

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART A(2). ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS

(The following text is entirely new.)

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

Rule 1206. Servicemembers Civil Relief Act.

At an initial shelter care hearing, or adjudicatory hearing if a shelter care hearing was not previously conducted, if a parent or guardian does not make an appearance, and before the court enters an order in favor of the county agency, the county agency shall state on the record and in a filed affidavit pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931:

(a) whether the non-appearing parent or guardian is in military service and showing necessary facts to support the affidavit; or

(b) if the county agency is unable to determine whether the non-appearing parent or guardian is in military service, that the county agency is unable to determine whether the non-appearing parent or guardian is in military service.

Comment:

"Military service" is defined by 50 U.S.C. § 3911(2) and a report of a person's "military status" can be requested at <https://scra.dmdc.osd.mil/scra/#/home>. If a parent or guardian is in military service, then the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. §§ 4101 *et seq.*, may provide additional protections and procedures.

The requirement of an affidavit may be satisfied by an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904. *See* 42 Pa.C.S. § 102. A verified statement form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it meets the requirements of this rule.

PART C. SHELTER CARE**Rule 1242. Shelter Care Hearing.**

* * * * *

Comment:

* * * * *

See Rule 1330(A) for filing of a petition.

See Rule 1206 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a parent or guardian does not make an appearance at the shelter care hearing.

CHAPTER 14. ADJUDICATORY HEARING

Rule 1406. Adjudicatory Hearing.

* * * * *

Comment:

* * * * *

See Rule 1136 for *ex parte* communications.

See Rule 1206 (Servicemembers Civil Relief Act) for affidavit of military service requirement if a parent or guardian does not make an appearance at the adjudicatory hearing.

* * * * *

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION;
GENERAL PROVISIONS

Rule 209. Continuances and Stays.

* * * * *

E. Continuances and stays shall be granted in compliance with federal or state law[, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*].

[*Official Note*] Comment:

This rule was amended in 2005 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in subdivision C are intended to ensure that these cases proceed expeditiously. The grounds set forth in [subdivisions D and E, of course,] subdivision D are not intended to be the only grounds on which a continuance will be granted

For the availability of a continuance or stay for a party in military service, see the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105.

CHAPTER 300. CIVIL ACTION

Rule 304. Form of Complaint.

* * * * *

[*Official Note*] Comment:

Rule 304 is designed to promote uniformity, simplification of procedure, and better access by the public to the judicial services of magisterial district judges. The use of a form will help to accomplish this purpose and will also provide easier statistical and other administrative control by the Supreme Court. The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. See [Rule] Pa.R.Civ.P.M.D.J. 217.

A civil action that alleges tortious conduct was formerly called an action in trespass. A civil action in which the claim is contractual was formerly called an action in assumpsit.

Subdivision D requires the plaintiff to affirm if the defendant is or is not in the military service, or if the defendant's military service status is unknown. This information is required to ensure that an eligible defen-

dant receives the protections afforded by the Servicemembers Civil Relief Act, [50 U.S.C. §§ 3901 *et seq.*] 50 U.S.C. § 3931. [The affidavit shall be made in writing on a form prescribed by the State Court Administrator.] A form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it is substantially similar in content with the form.

Rule 308. Service Upon Individuals.

* * * * *

[*Official Note*] Comment:

[Compare Pa.R.C.P. Nos. 402-403] Compare Pa.R.Civ.P. 402-403. Subdivisions (1), (2) and (3) are not intended to be preferential in the order of their numbering.

See the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105, for exemption from civil process for eligible servicemembers.

CHAPTER 400. ENFORCEMENT OF JUDGMENTS
RENDERED BY MAGISTERIAL DISTRICT JUDGES
FOR THE PAYMENT OF MONEY

Rule 403. Issuance and Reissuance of Order of Execution.

* * * * *

[*Official Note*] Comment:

Under subdivision A, the order may be executed by the sheriff of the county in which the office of the issuing magisterial district judge is situated, as well as by any certified constable in that county.

If payment of the judgment was ordered to be made in installments under Rule 323, the magisterial district judge should not issue an order of execution on the judgment unless it appears that there was a default in the installment payments.

Subdivision B will permit the reissuance of an order of execution upon a timely-filed written request of the plaintiff. Compare [Pa.R.C.P. No. 3106(b)] Pa.R.Civ.P. 3106(b). The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order of execution form, "Reissuance of order of execution requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reissued order of execution, "Reissued. Request for reissuance filed _____ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order of execution, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order of execution.

[The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*] For the availability of a stay for a party in military service, see the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105.

(Editor's Note: Rule 405 as printed in 246 Pa. Code reads "Official Note" rather than "Note.")

Rule 405. Service of Order of Execution.

[Note] Comment:

The [60 day] 60-day limitation in subdivision A was considered to allow the executing officer sufficient time in which to make the levy. The executing officer may make as many levies as necessary within the [60 day] 60-day limitation under an order of execution.

See the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105, for exemption from civil process for eligible servicemembers.

Rule 410. Stay of Execution Generally.

* * * * *

[Official Note] Comment:

Compare [Pa.R.C.P. No. 3121(a)] Pa.R.Civ.P. 3121(a). Other rules in this chapter may also provide for a stay in specific circumstances covered by those rules. [The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.] For the availability of a stay for a party in military service, see the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105.

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

Rule 503. Form of Complaint.

* * * * *

[Official Note] Comment:

As in the other rules of civil procedure for magisterial district judges, the complaint will be on a printed form. The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. See [Rule 217] Pa.R.Civ.P.M.D.J. 217. As to notice to remove, the form will simply state that such a notice, when required, was given to the tenant in accordance with law. See [§ 501 of the Landlord and Tenant Act,] 68 P.S. § 250.501[, as amended by § 2(a) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53, 42 P.S. § 20002(a)].

In subdivision B(8) the landlord is permitted to claim, in addition to the specific amount of rent due and unpaid at the date of filing, whatever unspecified amount of rent will remain due and unpaid at the date of the hearing. As to claiming damages for injury to property, [compare Pa.R.C.P. No. 1055] compare Pa.R.Civ.P. 1055.

Subdivision D requires the landlord to affirm if the tenant is or is not in the military service, or if the tenant's military service status is unknown. This information is required to ensure that an eligible tenant receives the protections afforded by the Servicemembers Civil Relief Act, [50 U.S.C. §§ 3901 et seq.] 50 U.S.C. § 3931. [The affidavit shall be made in writing on a form prescribed by the State Court Administrator.] A form is available for the convenience of users at <https://www.pacourts.us/forms/for-the-public> and can be modified provided it is substantially similar in content with the form.

See [Act of January 24, 1966, P.L.(1965) 1534, § 1, as amended by Act of August 11, 1967, P.L. 204, No. 68, § 1, Act of June 11, 1968, P.L. 159, No. 89, § 2,] 35 P.S. § 1700-1, which states that "no tenant shall be evicted for any reason whatsoever while rent is deposited in escrow" because the dwelling in question has been certified as unfit for human habitation by the appropriate city or county agency. It seems appropriate to leave the matter of evidencing or pleading such a certification or lack thereof to local court of common pleas rules.

Rule 506. Service of Complaint.

* * * * *

[Official Note] Comment:

Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. In actions where wage garnishment may be sought under [Pa.R.C.P. No. 3311] Pa.R.Civ.P. 3311, the landlord may authorize the sheriff or constable to make personal service upon the tenant. If the tenant is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed. The landlord may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant so the landlord can later prove such service if attempting to garnish wages under [Pa.R.C.P. No. 3311] Pa.R.Civ.P. 3311. Additional service attempts by the sheriff or constable may result in additional fees.

See the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105, for exemption from civil process for eligible servicemembers.

Rule 515. Request for Order for Possession.

* * * * *

[Official Note] Comment:

The 15 days in subdivision A of this rule, when added to the 16-day period provided for in Rule 519A, will give the tenant time to obtain a *supersedeas* within the appeal period. See [Rules 1002, 1008, 1009, and 1013] Pa.R.Civ.P.M.D.J. 1002, 1008, 1009, and 1013.

The 1995 amendment to [section 513 of The Landlord and Tenant Act of 1951,] 68 P.S. § 250.513[,] established a 10-day appeal period from a judgment for possession of real estate arising out of a residential lease. See also [Rule 1002B(1)] Pa.R.Civ.P.M.D.J. 1002B(1). Rule 1002B(2)(a) provides for a 30-day appeal period for tenants who are victims of domestic violence. In most cases, the filing of the request for an order for possession in subdivision B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for an order for possession generally must be filed within 120 days of the date of the entry of the judgment.

If the tenant is a victim of domestic violence, he or she may file a domestic violence affidavit to stay the execution of the order for possession until the tenant files an appeal with the prothonotary pursuant to Rule 1002, 30 days after the date of entry of the judgment, or by order of the court of common pleas, whichever is earlier. See [Rule 514.1C] Pa.R.Civ.P.M.D.J. 514.1C. No posting of

money or bond is required to obtain a stay with the filing of a domestic violence affidavit; however, upon the filing of an appeal pursuant to Rule 1002, the stay is lifted, and the *supersedeas* requirements of Rule 1008 shall apply.

[The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.] For the availability of a stay for a party in military service, see the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105.

Subdivision B(2) provides that in a case arising out of a residential lease, if a *supersedeas* (resulting from an appeal or writ of *certiorari*) or bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the landlord to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

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

The time limits in which the landlord must request an order for possession imposed in subdivision B apply only in cases arising out of residential leases and in no way affect the landlord's ability to execute on the money judgment. See [**Rule 516, Note, and Rule 521A**] **Pa.R.Civ.P.M.D.J. 516, cmt. and Pa.R.Civ.P.M.D.J. 521A**.

At the time the landlord files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. See [**Rules 516 through 520**] **Pa.R.Civ.P.M.D.J. 516—520** and 44 Pa.C.S. § 7161(d).

Rule 516. Issuance and Reissuance of Order for Possession.

* * * * *

[Official Note] Comment:

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

The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

Subdivision B provides for reissuance of the order for possession for one additional 60-day period. However, pursuant to subdivision C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy or other stay is lifted. The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the landlord. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed _____ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

[The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.] For the availability of a stay for a party in military service, see the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, and the Pennsylvania Military and Veterans Code, 51 Pa.C.S. § 4105.

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

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

SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE
CIVIL PROCEDURAL RULES COMMITTEE
DOMESTIC RELATIONS PROCEDURAL RULES
COMMITTEE
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE
CRIMINAL PROCEDURAL RULES COMMITTEE
JUVENILE COURT PROCEDURAL RULES
COMMITTEE
MINOR COURT RULES COMMITTEE
PUBLICATION REPORT

A proposal is being considered for the amendment of Pennsylvania Rules of Appellate Procedure 1517, 1732, 1781, 3307, and 3309; adoption of Pennsylvania Rules of Civil Procedure 243 and 1930.10, rescission of Rule 1920.46, and amendment of Rules 216, 237.1, 1037, 1303, 1901.6, 1910.11, 1910.12, 1915.4-2, 1915.4-3, 1915.17, 1920.42, 1920.51, 1930.6, 1956, and 2955; adoption of Pennsylvania Rules of Orphans' Court Procedure 2.12, 3.16, and 15.23, and amendment of Rules 14.1, 15.7, 15.8, 15.9, 15.10, and 15.13; amendment of Pennsylvania Rules of Criminal Procedure 150, 430, 431, and 515; adoption of Pennsylvania Rule of Juvenile Court Procedure 1206, and amendment of Rules 1122, 1242, and 1406; and amendment of Pennsylvania Rules of Civil Procedure before Magisterial District Judges 209, 304, 308, 403, 405, 410, 503, 506, 515, and 516. The intent of this proposal is to establish uniform procedures for the Servicemembers Civil Relief Act ("SCRA"), 50 U.S.C. §§ 3901 *et seq.* and the Military and Veterans Code ("Code"), 51 Pa.C.S. §§ 101 *et seq.*

The Rules of Civil Procedure Before Magisterial District Judges and the Rules of Civil Procedure both recognized portions of an earlier version of the SCRA. *See* Pa.R.Civ.P.M.D.J. 209(E); 403, Comment; Pa.R.Civ.P. 237.1, Comment; 1920.46; 2955, Comment; and 3031, Comment. The Minor Court Rules Committee published proposed amendments to update citations to the SCRA and codify the affidavit requirement of 50 U.S.C. § 3931(b)(1). *See* 49 Pa.B. 1900 (April 20, 2019). Thereafter, effective September 1, 2020, Pa.R.Civ.P.M.D.J. 209, 304, 403, 410, 503, 515, and 516 were amended. *See* 50 Pa.B. 2252 (May 2, 2020). Afterward, the Civil Procedural Rules Committee at 51 Pa.B. 1003 (February 27, 2021), and the Domestic Relations Procedural Rules Committee at 51 Pa.B. 1014 (February 27, 2021), published similar proposals. After publication, further rulemaking was halted so that the other Committees could consider whether similar amendments implementing the SCRA, as well as the Code, were advisable.

The Appellate Court Procedural Rules Committee, the Civil Procedural Rules Committee, the Domestic Relations Procedural Rules Committee, the Orphans' Court Procedural Rules Committee, the Criminal Procedural Rules Committee, the Juvenile Court Procedural Rules Committee, and the Minor Court Rules Committee jointly consulted to maintain a consistent approach to rulemaking on these topics. The Committees encountered a dearth of case law in Pennsylvania applying the SCRA and Code to certain proceedings governed by the various bodies of rules. For some types of proceedings, applicability could be readily determined by the plain language of the SCRA and Code, but for other types of proceedings,

applicability was less clear. A common concern was whether rulemaking to implement procedures or to recognize authority may operate to determine the applicability of the substantive protections provided by the SCRA and Code. To this end, the Committees consulted case law in other jurisdictions applying the SCRA and statutory interpretation of the Code.

Background

During the course of service and for reasons that should be obvious, military servicemembers may not be able to assert their legal rights. Both Congress and Pennsylvania's General Assembly have long provided protection to servicemembers from civil proceedings during times of military service. For example, during the Civil War those legislative bodies enacted moratoriums on civil actions brought against servicemembers. *See* Act of April 18, 1861, P.L. 409; Act of June 11, 1864, ch. 118, 13 Stat. 123.¹ During World War I, Congress enacted the Soldiers' and Sailors' Civil Relief Act of 1918 directing trial courts to take equitable action when a servicemember's rights were involved in a controversy. *See* Act of March 8, 1918, ch. 20, 40 Stat. 440; Judge Advocate General's School, U.S. Army, JA 260, *Soldiers' and Sailors' Civil Relief Act Guide*, 1-1 (April 1998); Chandler, Maj. Garth K., *The Impact of a Request for a Stay of Proceedings Under the Soldiers' and Sailors' Civil Relief Act*, 102 Mil. L. Rev. 169, 169-70 (1983). The Soldiers' and Sailors' Civil Relief Act of 1940 ("SSCRA") was a substantial reenactment of the 1918 Act. *See* Act of October 17, 1940, ch. 888, 54 Stat. 1178; *Boone v. Lightner*, 319 U.S. 561, 568 (1943). The 1940 Act was significantly amended in 1942 to provide further protections to servicemembers. *See* Act of October 6, 1942, Ch. 581, 56 Stat. 769. Subsequent conflicts necessitated further amendments to modernize the provisions, including changing the name of the act to the "Servicemembers Civil Relief Act." *See, e.g.*, Act of December 19, 2003, 17 Stat. 2835.² The purpose of the SCRA is:

[T]o provide for, strengthen, and expedite the national defense through protection extended by this chapter to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

50 U.S.C. § 3902.

The SCRA covers servicemembers in "military service," which is defined as:

(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—

(i) active duty, as defined in section 101(d)(1) of Title 10, and

(ii) in the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of Title 32 for purposes of responding to a national emergency declared by the President and supported by Federal funds;

¹ The various Pennsylvania statutes providing servicemember protections through the years are described in *Fister v. Bollinger*, 51 Pa. D.&C. 621 (Berks 1944).

² The SCRA was previously codified at 50 U.S.C. App. §§ 501–597b. Effective December 1, 2015, the SCRA was reclassified and is now found at 50 U.S.C. §§ 3901–4043. *See* <https://www.justice.gov/servicemembers/servicemembers-civil-relief-act-scra> (last visited September 15, 2022).

(B) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; and

(C) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

Id. § 3911(2)(A); *see also* 10 U.S.C. § 101(d) (defining “active duty” and “active service”). If a servicemember, including a member of the National Guard, does not meet this definition of “military service,” then the servicemember is not covered by the SCRA.

For the purpose of this discussion, the National Guard may operate in three statuses: 1) on full-time federal active duty in military service of the United States pursuant to Title 10 of the United States Code, *i.e.*, “federalized”; 2) on full-time National Guard duty when the Governor, with the approval of the President or Secretary of Defense, orders members to duty for Homeland Defense activities pursuant to Title 32 of the United States Code; and 3) on state active duty when activated by the Governor on the basis of a state statute and state funding. *See* Congressional Research Service, *Reserve Component Personnel Issues: Questions and Answers*, pp. 19–21 (Nov. 2, 2021) at <https://sgp.fas.org/crs/natsec/RL30802.pdf> (last visited November 18, 2022). Through the definition of “servicemember,” the SCRA will cover National Guard members in Title 10 service and under certain, but not all, Title 32 service. The SCRA does not cover National Guard members on state active duty.

Pennsylvania’s analogue to the SCRA is the Military and Veterans Code, which contains substantive protections from court proceedings when a member of the National Guard is “going to, remaining at, or returning from, a place where [the member] is ordered to attend for military duty” or “in the active service of the Commonwealth.” *See* 51 Pa.C.S. § 4104 (exemption from arrest), § 4105 (exemption from civil process).

In addition, the Code contains specific provisions for child custody proceedings “while the eligible servicemember is deployed in support of a contingency operation.” *See* 51 Pa.C.S. § 4109(a), § 4110. An “eligible servicemember” includes a member of the Pennsylvania National Guard “serving on active duty, other than active duty for training, for at least 30 consecutive days in support of a contingency operation.” 51 Pa.C.S. § 4109(f) (Definitions). One might argue that the use of “active duty” in § 4109(f) is intended to mean “active duty,” as used in the definition of “military service” in 10 U.S.C. § 3911(2)(A)(i). Thus, § 4109 is an adjunct to § 3938 of the SCRA, protecting Pennsylvania National Guard members also protected by the SCRA. *See also id.* § 3938(d) (permitting state law preemption if the state law provides a high standard of protection for the servicemember). However, it is not clear from the statute whether “active duty” in § 4109(f) means “state active duty” or “federal active duty.”

Turning to whether a National Guard member on “active duty” deployed in support of a contingency operation is in “military service” under the SCRA, the definitions of “contingency operation” in Title 10 of the United States Code and § 4109(f) of Pennsylvania’s Military and Veterans Code are nearly identical. *Compare* 10 U.S.C. § 101(a)(13) with 51 Pa. Code. § 4109(f).³ Title 10 states:

³ The definition within 51 Pa.C.S. § 4109(f) ostensibly omits references to 10 U.S.C. § 12304a pertaining to reservists and 14 U.S.C. § 3713 pertaining to the Coast Guard because Pennsylvania’s Code governs National Guard members.

The term “contingency operation” means a military operation that—

(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 of this title, chapter 13 of this title, section 3713 of title 14, or any other provision of law during a war or during a national emergency declared by the President or Congress.

10 U.S.C. § 101(a)(13). Army Regulation 135-200, *Active Duty for Missions, Projects, and Training for Reserve Component Soldiers* (October 20, 2020) is instructive. Within the discussion of “Active Duty for Operational Support,” the regulation describes “contingency operations” as including individual Army National Guard members voluntarily serving in support of contingency operations. *See id.* § 6-19(b). An order issued under this regulation is required to state, *inter alia*, its authority pursuant to 10 U.S.C. § 12301(d). *See id.* § 6-25(a)(1). While this citation of authority is not one included in the definition of “contingency operation,” *see infra*, § 12301(d) would be included in the “catch all” language of 10 U.S.C. § 101(a)(13)(B) (“any other provision of law”) and 51 Pa.C.S. § 4109(f) (“or any other provision of 10 U.S.C.”).⁴ Accordingly, a member of the National Guard supporting a contingency operation, as defined by 10 U.S.C. § 101(a)(13), would be on “active duty” pursuant to 10 U.S.C. § 12301(d), as that term is defined by 10 U.S.C. § 101(d)(1), and, therefore, within the definition of “military service” pursuant to 10 U.S.C. § 3911(2)(A)(i) of the SCRA. *See also* 32 U.S.C. § 101(12) (defining “active duty” as full-time duty in the active military service of the United States).

Concerning Title 32 status, not all active service, *i.e.*, full-time duty, of National Guard members is covered by the SCRA. *See also* 10 U.S.C. § 101(d)(3) (defining “active service” to include “full-time National Guard duty”). Pursuant to 10 U.S.C. § 101(d)(5), full-time National Guard duty is authorized by Sections 316 and 502–505 of Title 32. Coverage by the SCRA *vis-à-vis* the definition of “military service” of full-time National Guard duty is limited to a call to active service by the President or Secretary of Defense pursuant to 32 U.S.C. § 502(f) for a period of 30 or more consecutive days. *See* 50 U.S.C. § 3911(2)(A)(ii). *See, e.g.*, 84 F.R. 48545 (September 12, 2019) (presidential notice of the continuation of the national emergency with respect to certain terrorist attacks); 85 F.R. 19639 (April 2, 2020) (presidential memorandum invoking 32 U.S.C. § 502(f) for COVID-19 response with 30 days of federal funding); 86 F.R. 7481 (January 21, 2021) (secretary memorandum invoking 32 U.S.C. § 502(f) for COVID-19 response with funding through September 30, 2021). Hence, a National Guard member may serve full-time under multiple Sections of Title 32, but only full-time service under the aforementioned circumstance pursuant to § 502(f) will receive the protection of the SCRA.

⁴ There exists case law interpreting the “catch all” language of 10 U.S.C. § 101(a)(13) with application to other federal statutes that have required a “connection” between service pursuant to 10 U.S.C. § 12301(d) and the emergency at hand. *See O’Farrell v. Department of Defense*, 882 F.3d 1080 (Fed. Cir. 2018); *Adams v. Department of Homeland Security*, 3 F.4th 1375 (Fed. Cir. 2021).

Servicemembers Civil Relief Act

The purpose of the SCRA is to provide for the temporary suspension of judicial proceedings that may adversely affect the civil rights of servicemembers during their military service so that they are able to devote their entire energy to the defense needs of the Nation. 50 U.S.C. § 3902. The SCRA contains procedural requirements that “appl[y] to any civil action or proceeding, including any child custody proceeding.” *Id.* § 3931(a), § 3932(a). These requirements include: 1) the required use of an affidavit of military service prior to the entry of a judgment against a servicemember in a civil proceeding when the servicemember does not appear, *id.* § 3931; and 2) the ability of a servicemember to seek a stay of a civil proceeding, *id.* § 3932. The SCRA also contains provisions for child custody proceedings if a servicemember’s unavailability is due to deployment. *See id.* § 3938. In construing the SCRA’s predecessor, the Supreme Court of the United States has held:

The Soldiers’ and Sailors’ Civil Relief Act is always to be liberally construed to protect those who have been obliged to drop their own affairs to take up the burdens of the nation. The discretion that is vested in trial courts to that end is not to be withheld on nice calculations as to whether prejudice may result from absence, or absence result from the service. Absence when one’s rights or liabilities are being adjudged is usually *prima facie* prejudicial. But in some few cases absence may be a policy, instead of the result of military service, and discretion is vested in the courts to see that the immunities of the Act are not put to such unworthy use.

Boone, 319 U.S. at 575.

Affidavit of Military Service, 50 U.S.C. § 3931.

As mentioned, the § 3931 affidavit of military service requirement “applies to any civil action or proceeding, including any child custody proceeding.” 50 U.S.C. § 3931. Implicitly, this application includes proceedings governed by the Pennsylvania Rules of Civil Procedure, including “family court proceedings” under Chapter 1900, and civil proceedings governed by the Pennsylvania Rules of Civil Procedure before Magisterial District Judges. *See also* 50 U.S.C. § 3911(5) (defining “court” to include non-record courts).

Less obvious is whether § 3931 applies to dependency proceedings governed by 42 Pa.C.S. §§ 6301 *et seq.* and Pa.R.J.C.P. 1101 *et seq.*, and termination of parental rights proceedings governed by 23 Pa.C.S. §§ 2501 *et seq.* and Pa.R.O.C.P. 15.7, 15.8, 15.9, and 15.10. A “child custody proceeding,” in terms of the Uniform Child Custody Jurisdiction and Enforcement Act, is defined to include a dependency proceeding. *See* 23 Pa.C.S. § 5402. Further, the Juvenile Act provides for the award of custody by the dependency court. Insofar as termination proceedings adjudicate a parent’s legal custody of a child, these types of proceeding appear to fit within the notion of a “child custody” proceeding.

A question arose whether adoption proceedings may be included in the scope of this analysis given that parental rights are typically determined prior to adoption. Pa.R.O.C.P. 15.13(c)(1) (notice and decree) contemplates a scenario when parental rights are terminated as part of the adoption proceeding rather than prior to the adoption proceeding. The Comment to this rule states: “[subdivi-

sion] (c)(1) of this Rule applies if a parent’s parental rights are being terminated as part of the hearing on the adoption petition.” This scenario may arise when an agency is not involved in the filing of a termination petition and the petitioner files either a Report of Intention to Adopt or an adoption petition. *See* Pa.R.O.C.P. 15.6. Arguably, if the parent received notice of a hearing in which a termination determination will also be made, then the court should be apprised whether that person is in military service as in other termination matters. Accordingly, adoption proceedings appear to be a “child custody” proceeding under the SCRA.

Case law from other jurisdictions was considered. In California, the courts have held that the SCRA was applicable to dependency proceedings. *See In re Amber*, 184 Cal.App.4th 1223 (2010); *In re A.R.*, 170 Cal.App.4th 733 (2009); *George v. Superior Court*, 127 Cal.App.4th 216 (2005). Those cases, however, concerned stays under the SCRA and not the use of affidavits of military service. In *In re C.K.*, No. 12-1279, 2013 WL 5788570, at *1 (W. Va. Oct. 28, 2013) (unpublished opinion), the West Virginia Supreme Court reversed a trial court’s involuntary termination of parental rights, citing the SCRA and the uncertain determination of the father’s military status. These cases, while not binding in Pennsylvania, informed that provisions of the SCRA apply to dependency proceedings governed by the Pennsylvania Rules of Juvenile Court Procedure, and adoption and termination of parental rights proceedings governed by Chapter XV of the Pennsylvania Rules of Orphans’ Court Procedure.

In determining whether § 3931 applied to orphans’ court proceedings involving proceedings governed by Chapter II, Pa.R.O.C.P. 2.1—2.11, and Chapter III, Pa.R.O.C.P. 3.1—3.15, of the Pennsylvania Rules of Orphans’ Court Procedure, the general applicability of the SCRA was first considered. In *McCoy v. Atlantic Coast Line R. Co.*, 47 S.E. 2d 532 (N.C. 1948), a servicemember and his two siblings were heirs to their father’s estate, which also had a cause of action for wrongful death. The servicemember was not appointed administrator of his father’s estate until the servicemember was discharged from military service. Thereafter, the estate commenced the wrongful death action. The defendant asserted that the wrongful action was barred by a one-year statute of limitations. The servicemember contended that the statute of limitations was tolled by the Soldiers’ and Sailors’ Civil Relief Act of 1942 (“SSCRA”), 50 U.S.C. app. § 525, a precursor of 50 U.S.C. § 3936 within the SCRA. The Supreme Court of North Carolina deferred to the liberal construction of the SSCRA but held that the SSCRA was not intended to hold up estate administration when other heirs were eligible to serve as administrators. Further, the wrongful death action was on behalf of the estate and not personal to the servicemember. The court held that the SSCRA did not apply in these circumstances even with most liberal construction of the SSCRA.⁵

In *Perry v. Perry*, 168 S.W.3d 577 (Mo. App. W.D. 2005), a decedent’s son, a servicemember, sought to probate the decedent’s will after the one-year statute of limitations had passed. The son claimed the statute of limitations was tolled by the SCRA, 50 U.S.C. app. § 525. The appellate court observed that the presentment of a will is significantly different than a tort or contract action, but it nonetheless involved a judicial proceeding that may adversely affect the right of a servicemember to administer the estate and receive an inheritance. Additionally, the

⁵ The statute of limitations for a wrongful death action may be tolled under § 525 of the SSCRA when the sole surviving heir is in military service. *See, e.g., Worlow v. Mississippi River Fuel Corp.*, 444 S.W.2d 461 (Mo. 1969).

resultant letter of administration is part of an *in rem* proceeding that continues until final distribution and discharge of the personal representative. Accordingly, the SCRA and its tolling provision applied to the probate action.

As one commentator stated about the applicability of the SSCRA to probate proceedings:

While some informality exists in probate pleadings and procedure, and frequently no specific defendants are named in proceedings with reference to the probating of wills or the filing of claims, yet it must be conceded that the rights of certain persons are sought to be adjudicated in cases of this type. The so-called "defendants" include all persons who may be interested in the estate of the decedent and are brought into court by institution of probate proceedings and the publication of notices addressed to persons variously described as "All persons interested in the estate of John Doe, deceased," or "To Whom It May Concern." Some persons interested in the estate may be in the service. If so, and if the order or decree of the probate court has the effect of being a final determination of adjudication of the rights of such persons, then I see no escape from the conclusion that such persons who may be in the service are entitled to the protection of the Act.

Harold J. Reed, *Soldiers' and Sailors' Civil Relief Act of 1940*, 28 Iowa Law Review 14, 29 (1943).

McCoy and *Perry*, *supra*, are but two examples of the courts applying the SCRA and its predecessor, the SSCRA, to subject matters that would be under the purview of the orphans' court if commenced in Pennsylvania. However, these cases concerned the tolling provision, which might arguably be broader in scope than the affidavit requirement. Compare 50 U.S.C. § 3936(a) ("The period of a servicemember's military service may not be included in computing any period limited by law . . . for the bringing of any action or proceeding in a court.") (emphasis added) with 50 U.S.C. § 3931(a) ("This section applies to any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance.") (emphasis added). However, the phrase may also be a distinction without a difference with regard to orphans' court proceedings.

The analysis from other jurisdictions regarding affidavits has focused on whether the underlying proceeding is adversarial or will result in a judgement. For example, in *In re Cool's Estate*, 18 A.2d 714 (Orphans' Ct. N.J. 1941), an executor presented an account for confirmation. No interested parties made an appearance, and the executor did not file any affidavits of military service pursuant to the SSCRA. The court held that "defendant" included an interested party in the orphans' court and that "judgment" included any final decree of a probate court. Accordingly, the executor was required to file affidavits concerning any non-appearing interested parties. See *id.* at 238; see also *In re Adoption of a Minor*, 136 F.2d 790 (construing "defendant" under the SSCRA to include birth parent in an adoption proceeding); *In re Steingrabe's Estate*, 1 Pa. D&C 3d 164, 167 (Mercer Co. 1976) (holding that a confirmation of an account is the equivalent of a judgement by default).⁶

In *McLaughlin v. McLaughlin*, 46 A.2d 307, 309 (Md. 1946), the probate of a will was not considered an adversarial proceeding so there was no requirement to

file an affidavit. A similar holding is found in *Case v. Case*, 124 N.E.2d 856, 860-61 (Prob. Ct. Ohio 1955) with the probate court observing that persons having adverse interests to a will admitted to probate can thereafter contest the will. Please note that "court," as defined in the SCRA, means "a court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record." Arguably, the register of wills is not strictly a "court" although it may function similarly to one.

The purpose of the SCRA is, *inter alia*, "to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the *civil rights* of servicemembers during their military service." 50 U.S.C. § 3902(2) (emphasis added). The affidavit requirement of § 3931 is not merely a procedural burden; it is part of a legislative scheme designed to inform the court about whether a servicemember's civil rights in a civil proceeding may be implicated and whether the court should appoint counsel and grant a temporary stay. A liberal construction of § 3931 would apply the affidavit requirement whenever a servicemember's civil rights may be adversely affected and not just when a servicemember is a named defendant in an action.

Relative to the probate rules of other jurisdictions, two states reference the SCRA in their rules governing petition practice in probate proceedings. First, Connecticut requires a petition to include "whether a party is in the active military service of the United States when commencing a proceeding concerning: (1) a decedent's estate; (2) a trust; (3) a children's matter; or (4) any other matter in which adjudication of an interest of a servicemember is sought." Conn. R. Prob. 7.2(c) (Filing Requirements). "Party" is defined to include an executor or administrator of a decedent's estate, a trustee of a trust, a conservator, a guardian of the estate of a minor, a temporary custodian or guardian of the person of a minor, a guardian of an adult with an intellectual disability, a *guardian ad litem*, and certain other fiduciaries. See CT R. Prob Rule 4.2.

Second, Massachusetts requires the filing of a "military affidavit certifying the military status of each defendant, respondent or other interested person who has not appeared or answered" before any subsequent request for a court hearing, the date of the next scheduled court event, or a temporary order in the case. See Mass. R. Prob. Ct. 25. (Military Affidavits). Thus, both the Connecticut and Massachusetts rules require the use of a military service affidavit in petition practice.

Finally, Allegheny County has a local rule relating to the SCRA. Allegheny O.C.R. 3.1(3) provides: "[w]hen any interested party in any proceeding in this court is in the military service of the United States, the procedure shall conform to the provisions of the Servicemembers Civil Relief Act, as amended, 50 U.S.C.A. [§§] 3901 *et seq.*"

Based on this analysis, the Orphans' Court Procedural Rules Committee concluded that the SCRA applied to Chapter II and Chapter III of the Pennsylvania Rules of Orphans' Court Procedure.

Under § 3991 of the SCRA, if a "defendant does not make an appearance," before a court can enter a judg-

⁶ Please note that *In re Steingrabe's Estate* concerned § 520(4) of the SSCRA and the reopening of judgements, not the affidavit requirement.

ment against a defendant, the plaintiff must file an affidavit indicating whether the defendant is in military service or whether the plaintiff is unable to make such a determination. See 50 U.S.C. § 3931(a), (b)(1). If the defendant is in military service, then counsel is appointed, and a stay may be granted. See *id.* § 3931(b)(2), (d). If the defendant's military status cannot be determined, then the plaintiff may be required to post a bond. See *id.* § 3931(b)(3).

Preliminarily, while the title of § 3931 of the SCRA refers to "default judgments," the statute applies when a defendant does not make an appearance. See 50 U.S.C. § 3931(a). Section 3931(b), which contains the actual affidavit requirement, states: "In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit. . . ." *Id.* § 3931(b) (emphasis added). "Judgment" is defined broadly by the SCRA to mean any judgment, decree, order, or ruling, final or temporary. See 50 U.S.C. § 3911(9). Thus, the affidavit requirements of § 3931(b) apply to any judgment or orders and are not limited to "default judgments." Please note that § 3911(g)-(h) specifically addresses default judgments.

This distinction is relevant because, in Pennsylvania civil practice, "default judgments" are often considered judgments in favor of the plaintiff based upon the complaint without the necessity of the plaintiff having to prove the facts alleged in the complaint. See, e.g., Pa.R.Civ.P. 1037. While the title of § 3931 refers to "default judgments," the statute applies when a defendant does not make an appearance and is without limitation on whether the plaintiff must prove the facts alleged. Consequently, the affidavit requirements of § 3931 appear to also apply in proceedings that do not permit "default judgments," e.g., custody, see also Pa.R.Civ.P. 1915.9 (no default judgments in child custody proceeding).

When a defendant does not make an appearance in a civil proceeding, there will usually be only one order—a final order granting judgment in favor of the plaintiff. However, when a defendant does not make an appearance in a child custody proceeding, there may be serial orders granting temporary relief and then final relief. With the broad definition of "judgment," the need to file an affidavit of military service may arise prior to the final judgment. Indeed, given the intent of the SCRA, § 3931 would apply to any order that would "adversely affect the civil rights of servicemembers during their military service." 50 U.S.C. § 3902.

The pre-condition of § 3931(a) that the "defendant does not make an appearance" cannot precisely mesh with Pennsylvania procedures insofar as an appearance is "entered" rather than "made." See, e.g., Pa.R.Civ.P. 1012; Pa.R.Civ.P. 1930.8; Pa.R.O.C.P. 1.7; Pa.R.A.P. 120. However, there exists a permissible practice in certain circumstances wherein a party may simply appear and participate in a proceeding without entering an appearance or filing a responsive pleading. In those circumstances, it is believed the defendant "makes" an appearance in that it demonstrates the defendant received notice of the proceeding. Cf. 50 U.S.C. § 3932 (availability of a stay when a servicemember has notice of an action or proceeding). The phrase, "make an appearance" has been incorporated into this proposal and it is intended to encompass when a

defendant either enters an appearance, files a responsive pleading, or physically appears at a proceeding. If a defendant does not make an appearance by these means, then the plaintiff must file an affidavit of military service.

Section 3931 uses the term "affidavit," which "may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury." 50 U.S.C. § 3931(b)(4). Similarly, Pennsylvania authority defines "affidavit" in judicial matters to also include an unsworn statement pursuant to 18 Pa.C.S. § 4904. See 42 Pa.C.S. § 102; Pa.R.Civ.P. 76. However, the Revised Uniform Law on Notarial Acts indicates that an affidavit is "a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true." 57 Pa.C.S. § 302.

The term "affidavit" was retained in this proposal to maintain a linkage to the SCRA's requirements. But to resolve any confusion whether "affidavit," as used in this proposal, requires a notarial act, the Comments accompanying the proposed rules indicate that only a verified statement is necessary.

A one-page statewide form affidavit already exists and is available on the UJS website at <https://www.pacourts.us/forms/for-the-public>. Contained within the form is a reference to a Department of Defense website where the status of servicemembers under the SCRA can be determined: <https://scra.dmdc.osd.mil/scra/#/home>. The form and information solicited is relatively uncomplicated. It also contains a response option indicating that the affiant is unable to determine the non-appearing party's military status.

Stay of Proceedings, 50 U.S.C. § 3932.

Another procedural protection for a servicemember under the SCRA is the availability of a stay of proceedings when the servicemember has notice of the proceeding or action. See 50 U.S.C. § 3932(a). A court may *sua sponte* grant a stay or the servicemember may apply for a stay. A stay sought by a servicemember pursuant to § 3932 is mutually exclusive of the protections afforded by § 3931. See *id.* § 3932(e).

The applicability of § 3932 to certain types of proceedings would be identical to that of § 3931. Therefore, the analysis and conclusions regarding § 3931 are apropos of § 3932. Yet, the stay provisions of § 3932 do not appear to require codification in the procedural rules. A party or their counsel can file a motion or application and cite that authority as the basis for a stay. Notably, a stay under § 3932 is available to either a plaintiff or a defendant in military service. Thereafter, the court can decide whether to grant a stay based upon the facts and law. For the purpose of this proposal and to implement the SCRA, a "stay" is considered synonymous with a "continuance" insofar as both operate to suspend the immediate proceeding for a finite period of time. To aid readers, § 3932 would be referenced in the commentary to existing rules generally governing stays or continuances, if those rules exist.

Child Custody Protections, 50 U.S.C. § 3938.

In addition to the affidavit requirement of § 3931 and the availability of a stay pursuant to § 3932, the SCRA provides specific limitations on the duration of temporary child custody orders when a servicemember is deployed and the consideration of the servicemember's deployment in determining a child's best interest. See 50 U.S.C. § 3938(a), (b). Further, when a state law involving temporary child custody provides a higher standard of protec-

tion to a servicemember than the SCRA, the court shall apply the higher state standard. *See id.* § 3938(d).

Pennsylvania Military and Veterans Code

As mentioned, the Pennsylvania's Military and Veterans Code contains protections from criminal and civil court proceedings when a member of the National Guard is on active state service, and child custody proceedings when an "eligible servicemember" is deployed or about to be deployed.

Exemption from Arrest, 51 Pa.C.S. § 4104.

Concerning criminal proceedings, the Code provides that no National Guard member "shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty." 51 Pa.C.S. § 4104; *see also Commonwealth v. Arcelay*, 190 A.3d 609, 616 (Pa. Super. 2018) (§ 4104 applies only to members of the Pennsylvania National Guard, Pennsylvania Guard, and Militia). This provision, while ostensibly broader than state "active service," *see* § 4105, *infra*, appears to be substantive and self-executing. There are no additional procedures necessary to assert this servicemember right. Section 4104 does not appear to specifically restrain the issuance of an arrest warrant; rather, it prohibits execution of the arrest warrant until the servicemember concludes his or her military duty. Should the servicemember be arrested pursuant to a warrant while on duty, the servicemember's right may be then asserted by motion.

Exemption from Civil Process, 51 Pa.C.S. § 4105.

Concerning civil proceedings, the Code provides:

No civil process shall issue or be enforced against any officer or enlisted person of the Pennsylvania National Guard in the active service of the Commonwealth during so much of the term as he shall be engaged in active service under orders nor until 30 days after he shall have been relieved therefrom. The operation of all statutes of limitations and presumptions arising from lapse of time shall be suspended upon all claims by or against such officer or enlisted person during the aforesaid period.

51 Pa.C.S. § 4105. This provision contains two components. The first component is a stay on the issuance or enforcement of civil process until 30 days after the defendant's return from state active service. *See Breitenbach v. Bush*, 44 Pa. 313, 317 (1863).⁷ The second component tolls "all statutes of limitations and presumptions arising from lapse of time" during the stay. Unlike the SCRA, § 4105 does not contain procedures for the defendant to invoke this protection or recognize any exceptions to its operation.

Notably, the phrase, "active service of the Commonwealth," is undefined by the Code. Previous versions of § 4105 included the active service of the United States but presumably the scope has since narrowed given the coverage of the SSCRA and then the SCRA when National Guard members are "federalized." The phrase arguably encompasses state active duty pursuant to 51 Pa.C.S. § 508 (active duty for emergency), and, perhaps, 51 Pa.C.S. § 506.1 (use of Pennsylvania National Guard for special state duty). It is unclear whether "active service of the Commonwealth" is intended to include "full-time National Guard duty," as that phrase is defined

⁷ In *Breitenbach*, the Court considered a prior, similarly worded version of § 4105 found in the Act of April 18, 1861, P.L. 409. The Court described the effect of the law as a stay of all legal process for the term in which the servicemember is engaged. 44 Pa. at 317.

by 32 U.S.C. § 101(19), so as to extend the protection of § 4105 to members serving in a Title 32 status. Notably, 51 Pa.C.S. § 508(b) only mentions Title 32 in the context of assisting another state. At this juncture, the precise reach of § 4105 is better resolved by the legislature or case law, rather than by procedural rule.

Unresolved is whether "civil process," as used in § 4105, would include "child custody proceedings" in the absence of such a phrase contained therein. A broad interpretation of "civil" should be tempered by the result of applying § 4105 to stay "child custody proceedings" for the duration of the servicemember's state active service plus 30 days. If a § 4105 stay was applicable, there remains a concern about how the child's safety and needs would be addressed during the interim. The application of § 4109 during state active service may seem intuitive because it governs "child custody proceedings," but § 4109 is applicable when a servicemember is deployed in support of a contingency operation, not state active service. Rather than straining the interpretation of "civil" in § 4105 to include "child custody proceedings," the Committees believed the better course is for case law or legislation to clarify the application of § 4105 to those types of proceedings, before adopting any procedural rule.

Child Custody Proceedings During Military Deployment, 51 Pa.C.S. § 4109.

The Code contains within § 4109 specific parameters concerning temporary custody orders, assignments of custody to family members, terms of custody orders, and best interest determinations applicable to child custody proceedings when "an eligible servicemember is deployed in support of a contingency operation." 51 Pa.C.S. § 4109. Notably, "eligible servicemember" is defined to include "a member of the Pennsylvania National Guard or a member of an active or reserve component of the Armed Forces of the United States who is serving on active duty, other than active duty for training, for a period of 30 or more consecutive days, in support of a contingency operation." *Id.* § 4109(f). The Code also provides for expedited hearings and use of advanced communication technology for child custody proceedings subject to § 4109. *See* 51 Pa.C.S. § 4110.

Within § 4109, subdivision (a) states:

If a petition for change of *custody of a child* of an eligible servicemember is filed with any court in this Commonwealth while the eligible servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the eligible servicemember, except that a court may enter a temporary custody order if it is in the best interest of the child.

51 Pa.C.S. § 4109(a) (emphasis added). Arguably, subdivision (a) is limited to child custody proceedings governed by 23 Pa.C.S. Chapter 53 and Pa.R.Civ.P. 1915.1 *et seq.*, and not dependency and termination proceedings. Indeed, when subdivisions (a) and (a.1) are read *in pari materia*, there may be support for that argument given the reference within subdivision (a.1) to Chapter 53 of Title 23. However, the absence of a specific reference to Chapter 53 of Title 23 in subdivision (a) may suggest that "child custody," as used in that subdivision, was intended to be broadly construed relative to subdivision (a.1) of § 4109. Accordingly, the Committees concluded that dependency and termination of parental rights proceedings

are subject to § 4109(a) of the Code. As § 4110(a)-(b) refers to “custody matters instituted under [§] 4109,” the Committees concluded that section of the Code also applies to dependency and termination proceedings. This conclusion would also represent a consistent interpretation and application of the phrase, “child custody,” in both the Code and the SCRA.

Note was taken of House Bill 82 (Reg. Sess. 2023-2024), a form of model legislation crafted by the National Conference on Commissioners on Uniform State Laws, that would repeal § 4109 and § 4110. Those sections would have been replaced with an entirely new chapter governing the same topic but significantly broader in scope. *See* 51 Pa.C.S. §§ 4601–4652 (proposed). It appears similar legislation was introduced in 2015, 2017, and 2021.

The Bill would have provided for notice of pending deployment, temporary change of residence, custodial agreements together with modification and cancellation of same, powers of attorney, procedures, and limitations on granting temporary custody while a parent is deployed, child support, termination of custody, and limitation on deployment as a factor in determining a child’s best interest. Presumably, the Bill would provide a “higher standard of protection” than the SCRA.

The proposed legislation, insofar as it relates to this proposal, would apply only if a court has jurisdiction under 23 Pa.C.S. Ch. 54 relating to uniform child custody jurisdiction and enforcement. *See* 51 Pa.C.S. § 4604 (proposed). The change would resolve any ambiguity arising from 51 Pa.C.S. § 4109(a) and whether “child custody” includes dependency matters commenced pursuant to 42 Pa.C.S. § 6321 and voluntary relinquishment, involuntary termination, and adoption proceedings pursuant to 23 Pa.C.S. § 2301. If the Bill was enacted, it would be clear that those provisions of the Code would not apply, for lack of jurisdiction, to dependency and orphans’ court proceedings notwithstanding that those proceedings involve child custody.

Rulemaking Proposals

The Committees have attempted to establish uniform rules for each body of procedural rules with slight variations to reflect the applicability of the SCRA and Code to certain types of proceedings. To the extent practicable, the Committees have adopted a “hub and spoke” approach wherein (1) each body of rules would have one rule setting forth the requirements with (2) references back to that rule inserted in the text or commentary of other rules governing proceedings where the requirements may apply. This approach is intended to reduce the need to reiterate the requirements within each applicable rule within a body of rules.

The “hub” rule places the burden of the affidavit requirement of § 3931 on the party filing the action, prior to the entry of judgment, when a party against whom an action has been filed does not “make an appearance.” While the party designations are often “plaintiff” and “defendant,” those designations may vary depending on the nature of the action. The required content of the affidavit is taken directly from § 3931(b)(1)(A)-(B).

In “child custody” cases and other family court cases where there may be serial orders entered, the rules would require the party commencing the action to file an affidavit when the other party does not make an appear-

ance at the first proceeding that may “adversely affect the civil rights of servicemembers during their military service.” 50 U.S.C. § 3902. For example, in a support matter, the first proceeding may be an office conference. *See* Pa.R.Civ.P. 1910.11, 1910.12. In the dependency context, the first proceeding may be a shelter care hearing. *See* Pa.R.J.C.P. 1240–1243.

Commentary accompanying the “hub rules” refers the reader to federal legal authority defining “military service” and a website where a person’s status of being in “military service” can be ascertained. Next, there is a statement indicating that, if a defendant is in “military service,” then the SCRA may provide additional protections. Additionally, a reference to § 4105 of the Code is included. For those types of proceedings where the applicability of § 4105 is unresolved, this specific reference will be omitted. For rules applicable to “child custody proceedings,” there will be additional references to § 3938 of the SCRA, and § 4109 and § 4110 of the Code.

The Comments also inform the reader that a verified, unsworn document can satisfy the requirements of the rule. Alternatively, the reader is directed to a website containing a form that can be used or modified for use provided it meets the requirements of the rule.

For those bodies of rules with continuance or stay rules, a statement and citation would be added to the commentary indicating that the SCRA may provide protections for a person in military service, including a stay. A reference to § 4105 of the Code will also be included for those rules governing proceedings subject to § 4105. The rules were not considered an appropriate vehicle to fully advise servicemembers of their all their statutory rights so no further exposition on those rights would be contained in the commentary.

Notably, neither the SCRA nor the Code appear to contain evidentiary provisions necessitating amendment of the Pennsylvania Rules of Evidence. Section 4109(c) of the Code states that deployment shall not be considered in determining a child’s best interest and § 3938(b) of the SCRA states that deployment may not be the sole factor. *See* 51 Pa.C.S. § 4109(c); 50 U.S.C. § 3938(b). Those provisions govern the weight assigned to deployment in determining a child’s best interest, but do not operate to admit or exclude evidence for any other purpose. Arguably, a rule of evidence similar to Pa.R.E. 411 could be fashioned to exclude evidence of deployment for a specific purpose. However, because child custody proceedings are heard by a judge and not a jury, judges are able to hear evidence of deployment and give it the necessary weight for purposes other than the best interest of the child without concern about the judges being unduly prejudiced.

The Civil Procedural Rules Committee previously proposed Pa.R.Civ.P. 243 setting forth the affidavit requirements with revised commentary to the “judgment rules” of Pa.R.Civ.P. 237.1, 1037, 1303, and 2955. That proposal has been revised to reflect the uniform rule language in Pa.R.Civ.P. 243 and to add cross-references within the “judgment rules” to Pa.R.Civ.P. 243. Further, the Committee proposes amending Pa.R.Civ.P. 216 to recognize that a basis for granting a continuance is to comply with state or federal law—this is the approach taken with Pa.R.Civ.P.M.D.J. 209(E). A Comment added to the rule would cite the SCRA as an example of a federal law.

As mentioned, Pa.R.Civ.P.M.D.J. 209, 304, 403, 410, 503, 515, and 516 were previously amended to reference the affidavit requirements of the SCRA, 50 U.S.C.

§ 3931(b)(1). With actions initiated in the magisterial district courts, the approach adopted was for the plaintiff to file an affidavit with every complaint and not just when the defendant does not make an appearance. The rationale for this approach is Pa.R.Civ.P.M.D.J. 319(B), which requires the magisterial district judge to enter a judgment in the plaintiff's favor when the defendant does not attend the hearing regardless of whether the plaintiff appears. Further, there was a desire for cases to be resolved in one hearing. *See* 50 Pa.B. 2252 (May 2, 2020) (final report describing rulemaking). To avoid delaying judgment until the plaintiff files an affidavit for a non-appearing defendant, the plaintiff is now required to file an affidavit with all complaints. *See* Pa.R.Civ.P.M.D.J. 304(D), 503(D). With the present proposal, the Minor Court Rules Committee proposes to further revise the Comments to Pa.R.Civ.P.M.D.J. 209, 403, 410, 515, and 516 to specifically reference § 4105 of the Code.

The Domestic Relations Procedural Rules Committee proposes the rescission of Pa.R.Civ.P. 1920.46 requiring an affidavit of military service pursuant to § 3931 of the SCRA to be filed in divorce proceedings. This rule would be replaced with Pa.R.Civ.P. 1930.10, to require an affidavit of military service to be filed in all proceedings governed by Chapter 1900 of the Pennsylvania Rules of Civil Procedure, including support, divorce, protection from abuse, protection from sexual abuse or intimidation, custody, and paternity actions. The proposed rule would set forth the first proceedings in which the civil rights of non-appearing defendant in military service may be adversely affected. The commentary to this rule would reference § 4105 of the Code for support and divorce proceedings only. In addition, the Comments to Pa.R.Civ.P. 1901.6, 1910.11, 1910.12, 1920.42, 1920.51, 1930.6, and 1956 would contain a reference to Pa.R.Civ.P. 1930.10 and the SCRA generally. The Comments to Pa.R.Civ.P. 1915.4-2, 1915.4-3, and 1915.17 would contain a reference to Pa.R.Civ.P. 1930.10 if the opposing party does not make an appearance and specific reference to § 3938 of the SCRA and § 4109 of the Code because of their applicability to child custody proceedings.

The Juvenile Court Procedural Rules Committee proposes Pa.R.J.C.P. 1206 as a standalone rule setting forth the affidavit requirements. The rule is largely based on the "uniform rule." It would require the party seeking shelter care, *i.e.*, a county agency, for a child or pursuing dependency to complete and file an affidavit of military service when the other party or parties, *i.e.*, parent or guardian, have not made an appearance at the proceeding. The requirement for filing an affidavit at the adjudicatory hearing is conditioned on whether a shelter care hearing was previously conducted. If a shelter care hearing was conducted prior to the adjudicatory hearing, then the county agency would have already filed an affidavit of military service if the parent or guardian did not make an appearance. Obviously, if a parent or guardian did make an appearance at the shelter care hearing, then there would be no need for an affidavit of military service to be filed at the adjudicatory hearing.

In addition to the filing requirement, the county agency would be required to inform the court at the time of the hearing so the presiding judicial officer can receive the information without delaying the proceeding. With proceedings involving persons having a familial relationship, it is presumed the party filing the action likely has a modicum of knowledge whether the other party is in "military service" and be able to accurately inform the court on the record and complete an affidavit at the time

of the adjudicatory proceeding in which the parent or guardian does not make an appearance.

The Comments to Pa.R.J.C.P. 1242 and Pa.R.J.C.P. 1406 would be revised to refer readers to Pa.R.J.C.P. 1206. The Comment to Pa.R.J.C.P. 1122 (Continuances) would be revised to include a reference to § 3932 of the SCRA.

The Orphans' Court Procedural Rules Committee proposes Pa.R.O.C.P. 2.12 and 3.16 to require the filing of an affidavit of military service for every proposed representative identified in Rules 2.4(b)(2)-(3) and 3.4(a)(7)(ii)-(iii) and every interested party not represented pursuant to those rules in matters commenced pursuant to Chapter II and Chapter III, respectively. This approach, similar to that in magisterial district courts, was believed to be the better practice when completed at the beginning of administration or the commencement of an action rather than after deadlines have passed. Further, proceedings would not be delayed for the filing of an affidavit. Moreover, some orphans' court matters involve multiple orders over the course of a proceeding that may impact a person's rights, *see, e.g.*, Pa.R.A.P. 342 (Appealable Orphans' Court Orders), an "early and all" approach was favored without waiting to see if an interested party "makes an appearance." Finally, this approach was deemed prudent given the dearth of case law to inform practitioners precisely what types of orders would require an affidavit.

Proposed Rules 2.12 and 3.16 accommodate the use of "virtual representation," permitting the representation of certain individuals or classes of individuals by others in accounting and petition practice. *See* 20 Pa.C.S. §§ 751(6), 7721—7726; Pa.R.O.C.P. 2.4(b)(2)-(3) and 3.4(a)(7)(ii)-(iii). Rather than requiring an affidavit for every interested party, the proposed rules limit the filing of affidavits in orphans' court matters to proposed representatives identified in Rules 2.4(b)(2)-(3) and 3.4(a)(7)(ii)-(iii), as well as interested parties not so represented. This practice will ensure that the court is advised of the military service status of every interested party actively participating in the matter in order to protect individual and class rights, consistent with the use of virtual representation in the orphans' courts.

The Committee welcomes input on the most effective time to file the affidavit and whether filing the affidavit early in the proceeding is sufficient to protect the parties. Some proceedings in orphans' court span many years or decades. Relatedly, the Committee has limited the filing requirement to interested parties and proposed representatives and welcomes feedback relative to requiring affidavits for other parties, insofar as they may have an interest in the matter that could be threatened should they not receive notice due to military status.

In guardianship practice, the Committee proposes amending Pa.R.O.C.P. 14.1 to require the filing of an affidavit of military service for certain individuals with a petition for adjudication of incapacity and appointment of a guardian. New subdivision (a)(6) limits the affidavit requirement to those individuals identified in Rule 14.2(a)(3), namely "the spouse, parents, and presumptive intestate heirs of the alleged incapacitated person." The Committee finds this approach consistent with 20 Pa.C.S. § 5511(a), which requires notice of the guardianship petition and hearing to persons who "would be entitled to

share in the estate of the alleged incapacitated person if he died intestate at that time.” Advising the court of the military status of such persons is warranted because of their interest in the alleged incapacitated person’s estate. *See In the Matter of Brown*, 507 A.2d 418, 419 (Pa. Super. 1986) (individuals entitled to share in the alleged incapacitated person’s estate have standing in guardianship proceedings).

The Committee also proposes Pa.R.O.C.P. 15.23 to create a “hub rule” for actions governed by Chapter XV. This rule would require an affidavit of military service to be completed and filed for a non-appearing birth parent, putative father, or presumptive father. Arguably, this requirement could be conditioned on whether an affidavit was previously filed in an earlier dependency proceeding but, given that a termination of parental rights or adoption proceeding may be separately docketed from a prior proceeding, the affidavit requirement begins anew. Further, not all proceedings governed by Chapter 15 involve a prior dependency proceeding. Proposed amendments of the Comments to Pa.R.O.C.P. 15.7, 15.8, 15.9, 15.10, and 15.13 are the “spokes” referring readers to Pa.R.O.C.P. 15.23 if the birth parent, putative father, or presumptive father does not make an appearance.

The SCRA, as might be assumed by its title, does not contain protections for a servicemember against state court criminal proceedings. However, the Code provides that “No officer or enlisted person shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty.” 51 Pa.C.S. § 4104. To ensure that those responsible for the execution of warrants are aware of the prohibition codified at 51 Pa.C.S. § 4104, the Criminal Procedural Rules Committee proposes to amend the Comments to Pa.R.Crim.P. 150 (Bench Warrants), 430 (Issuance of Warrant), 431 (Procedure When Defendant Arrested With Warrant), and 515 (Execution of Arrest Warrant) to include: “With respect to members of the Pennsylvania National Guard, the Pennsylvania Guard, and the Pennsylvania Militia, [n]o officer or enlisted person shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from, a place where he is ordered to attend for military duty.” 51 Pa.C.S. § 4104 (Exemption from arrest).”

The Appellate Court Procedural Rules Committee considered the applicability of the SCRA and Code in appellate court proceedings and original jurisdiction actions. In the context of appellate court proceedings, if the appellant-servicemember did not make an appearance in the trial court, there would be no appeal. If an appellant-servicemember filed an appeal, then the appellant has made an appearance and § 3931 would not apply.

Possibly, although improbably, a plaintiff could lose in the trial court against a non-appearing defendant-servicemember and then appeal. However, the § 3931 affidavit should have already been filed in the trial court where the defendant servicemember did not make an appearance and the trial court judge would have already provided an appropriate remedy, *e.g.*, appointment of counsel and a stay.

In sum, the Committee concluded there would be no need for an affidavit in appellate proceedings. At this stage of legal proceedings, a servicemember in military service during the pendency of an appeal should seek a stay from the appellate court pursuant to § 3932.

For original jurisdiction actions in the appellate courts, the Committee concluded that the affidavit requirements

of § 3931 of the SCRA would apply. Section 4105 of the Code may arguably apply to original jurisdiction actions given its broad mandate that “no civil process shall issue or be enforced against any officer or enlisted person [of the National Guard while in state active service].” Although the prohibitions of § 4105 are applicable to the plaintiff, a defendant-servicemember in state active service obviously could assert them as a shield in court. In those circumstances, the servicemember could raise § 4105 via preliminary objection or seek a dismissal pursuant to Pa.R.A.P. 1972(a)(3) for want of personal jurisdiction.

The Committee proposes amendment of Pa.R.A.P. 1517 (Applicable Rules of Pleading) setting forth the SCRA’s affidavit of military service requirements separately within the rule. Please note, the title of the rule would also be amended because the affidavit requirement is not strictly a “pleading” requirement. Further, the Committee proposes amendments to Pa.R.A.P. 3307 and 3309 to contain an SCRA affidavit requirement for completeness and consistency. Readers should note that the preconditions for not filing an affidavit of military service in Pa.R.A.P. 3307 and 3309 is an “entry of appearance” or a responsive filing by the adverse party, rather than the terminology “make an appearance.”

Similar to the approach of other Committees, the Appellate Court Procedural Rules Committee concluded that the stay provisions of § 3932 of the SCRA do not appear to need specific codification in the procedural rules. A party or their counsel can file a Pa.R.A.P. 123 application and cite that authority as the basis for a stay. In that manner, the appellate courts could determine the applicability of the SCRA in appellate proceedings; there is no need for a separate or additional stay provision.

During the pendency of an appeal, it was observed that a party could also seek relief pursuant to Chapter 17, albeit that Chapter addresses stays of trial court orders and not of appellate proceedings. Also, the SCRA applies to administrative matters. *See* 50 U.S.C. §§ 3912(b) (applicability to administrative proceeding), 3911(5) (defining “court” to mean administrative agency of any state). To address these scenarios, the Committee proposes adding a reference to the SCRA and the Code to the Comments to Pa.R.A.P. 1732 (stay pending appeal) and 1781 (stay pending action on petition for review or petition for specialized review).

* * *

The Committees invite all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 23-1239. Filed for public inspection September 15, 2023, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 11]

Proposed Amendment of Pa.R.J.C.P. 1167

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 1167 governing the service of court orders and notices 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 *Pennsyl-*

vania 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.

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

Daniel A. Durst, Chief Counsel
 Juvenile Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 P.O. Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9541
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by October 27, 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 Juvenile Court
 Procedural Rules Committee*

RENEÉ D. MERION,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART C. RECORDS

PART C(2). MAINTAINING RECORDS

Rule 1167. Filings and Service of Court Orders and Notices.

[A.] (a) *Filings.*

1) All orders and court notices shall be transmitted promptly to the clerk of courts for filing. Upon receipt by the clerk of courts, the order or court notice shall be time-stamped promptly with the date of receipt.

2) All orders and court notices shall be filed in the official court record.

[B.] (b) *Service.*

1) A copy of any order or court notice shall be served promptly on each party's attorney, and the party, if unrepresented.

2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or its designee.

3) *Methods of Service.* Service shall be:

[a) by:]

i) **by** personal delivery to the party's attorney, and if unrepresented, the party;

ii) **by** mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;

iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, **by** leaving a copy for the attorney in the attorney's box;

iv) **by** sending a copy to an unrepresented party by first class mail addressed to the party's place of business, residence, or detention;

v) **by** sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the party has filed written [**request**] **authorization** for this method of service [**or has included**] **with** a facsimile number or an electronic address [**on a prior legal paper filed in the case**];

vi) **by** delivery to the party's attorney, and if unrepresented, the party by carrier service; [**or**]

[**b**] [**vii**] orally in open court on the record; or

[**c**] [**viii**] in a judicial district that permits electronic filing pursuant to Rule 1205, service of court orders or notices shall be made as provided in Rule 1205(D)(2) and (H)(1).

[**C.**] (c) *Unified Practice.* Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

Comment:

Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court administrator concerning, for example, calendaring or scheduling, including proceedings requiring the party's presence.

The methods of service set forth in subdivision (b)(3) are not mutually exclusive. The clerk of courts can utilize multiple methods to ensure service.

Subdivision (b)(3)(v) is intended to permit service by facsimile machine, email, or social media messaging provided that a copy of the document is included in the transmission. A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under [**paragraph (B)(3)(a)(v)**] **subdivision (b)(3)(v)**. The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization [**is to**] **must** be filed in each case by the party, if unrepresented, or by the attorney who wants to receive documents by this method of service.

An authorization for service pursuant to subdivision (b)(3)(v) shall be substantially in the following form:

[CAPTION]

Authorization for Service Pursuant to Pa.R.J.C.P. 1167(b)(3)(v)

I, _____, hereby authorize service of all court orders and notices by transmission to me at:

Fax Number: _____ **or**

Email: _____ **or**

Social Media Address: _____

I understand that I am under a continuing obligation to provide current contact information to the court.

I have confirmed that the clerk of courts can accommodate this authorization.

No one, other than I, will be able to read the documents transmitted.

Print Name

Signature

Date

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time-stamping.

[Official Note: Rule 1167 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. Amended December 12, 2019, effective April 1, 2019.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1167 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1167 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Report explaining the amendments to Rule 1167 published with the Court's Order at 49 Pa.B. 7573 (December 28, 2019).]

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

PUBLICATION REPORT

Proposed Amendment of Pa.R.J.C.P. 1167

The Juvenile Court Procedural Rules Committee ("Committee") proposes to amend Pennsylvania Rule of Juvenile Court Procedure 1167 to recognize that social media may be a mode of service for court orders and notices.

As background, the Administrative Office of Pennsylvania Courts and the Pennsylvania Conference of State Trial Judges authored a report concerning the "continued use" of ACT in various court proceedings. *See Remote Proceedings Task Force: Continued Use of Advanced Communication Technology (ACT) Following the Termination of Judicial Emergencies* (June 2021) ("Report"). The Report also recommended study of the use of ACT for the service of orders and filings, other than original process. This Committee agreed to undertake a review of this concept.

The Committee took notice that, on July 22, 2021, the Court adopted, *inter alia*, new Pa.R.O.C.P. 15.4 (Notice of Hearing to Terminate Parental Rights; Method and Time). A method of service for the hearing notice includes:

electronic transmission provided such person has signed a writing consenting that notice be sent by

electronic transmission, providing an electronic mail address or social media account to which such notice shall be sent, and verifying that he or she regularly accesses and reviews such electronic mail address or social media account;

Pa.R.O.C.P. 15.4(b)(1)(C); *see also* Pa.R.O.C.P. 15.4(b)(2)(C) (same). This form of service may be used for voluntary relinquishment of parental rights or confirming consent. For involuntary terminations of parental rights, service may include "electronic transmission [of the notice] as the court may require under the facts of the individual case" or publication. Once original service has been obtained in that type of case, the person may then consent to further service via electronic mail address or social media account. *See* Pa.R.O.C.P. 15.4(b)(3)(A)(iii), (b)(6).

At this juncture, the Committee questioned the merits of sanctioning social media as a mode of service given the availability of PACFile in the juvenile courts. That system contains a functionality whereby users are notified of orders and filings in lieu of traditional service methodologies. *See* Pa.R.J.C.P. 205(H); 1205(H). However, the Committee believed that service by social media could accommodate unrepresented participants who do not have a stable mailing address or access to PACFile.

While "Advanced Communication Technology" has traditionally included facsimile transmissions and email, *see* Pa.R.J.C.P. 120, 1120 (Definitions), the Committee thought the phrase could be broadly interpreted to include the use of "social media," subject to certain criteria. The Committee next considered what criteria should guide the use of social media as a mode of service for orders, notices, and filings.

The first criterion was "capacity." Obviously, the sender must have access to the social media technology capable of transmitting the document to be served. Not all forms of social media have the capacity to "attach" a document.

The second criterion was "consent." The recipient must consent to the use of social media for service and provide an "address" to the sender. Any consent should be in writing. With a consent requirement, service by social media would not be available for original process, *i.e.*, used to initiate a legal proceeding.

The third criterion was "security." The mode of service must be reasonably secure against unauthorized access to or interception of the document by anyone other than the recipient. This requirement was informed by Pennsylvania Rule of Professional Conduct 1.6(d) ("A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client."). Additionally, in juvenile court proceedings, court records are confidential.

The Committee contemplated whether service by social media should be permitted in both delinquency and dependency proceedings. The Committee elected to first focus on dependency proceedings. The Committee then considered the types of matters that may be served using social media. *See, e.g.*, Pa.R.J.C.P. 1123(B) (subpoenas); Pa.R.J.C.P. 1124(B) (summons and notice); Pa.R.J.C.P. 1167(B) (court orders and notices); Pa.R.J.C.P. 1331 (service of petition); Pa.R.J.C.P. 1345(B) (motions and answers); Pa.R.J.C.P. 1363(A) (summons and notice). The

Committee elected to first focus on Pa.R.J.C.P. 1167 and the service of court orders and notices. An incremental approach would permit the Committee to evaluate the effectiveness of using social media as a mode of service before any expansion to other proceedings and matters.

Pa.R.J.C.P. 1167(b)(3)(v) already provides for “other electronic means” for service. Thus, the Committee discussed revisions to the Comment to recognize the permissibility of using social media as “other electronic means.” The recipient-authorization approach was retained to satisfy the “consent” criterion.

The Committee considered Pa.R.Civ.P. 1930.8, which requires the entry of appearance by self-represented parties in family court proceedings, *e.g.*, support, custody. This rule serves three purposes. First, it ensures that the court and other party have contact information for the self-represented party. Second, it obligates the self-represented party to keep the contact information current. Three, it permits counsel to withdraw without motion. That rule suggested that a form authorization located in the Comment to Pa.R.J.C.P. 1167 would be beneficial.

The proposed form requires the disclosure of the facsimile number, email, or social media address to be used for transmission. The form also contains declarations that the person authorizing this method of service would advise the court of any changes to the contact information and that no one other than the person would be able to read the documents transmitted. The latter declaration is intended to address the “security” criterion. Finally, to address the “capacity” criterion, the form contains a declaration that the person has confirmed that the clerk of courts can accommodate the authorization.

No statewide requirement is proposed to be placed on the clerks of courts to adopt any form of social media to accommodate that mode of service. That would be a local decision.

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

[Pa.B. Doc. No. 23-1240. Filed for public inspection September 15, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Increase in Prothonotary Fees; No. 3 of 2023

Order Approving Increase in Prothonotary Fees

And Now, to wit, this 7th day of August, 2023, the request of the Westmoreland County Prothonotary to increase fees and charges effective January 1, 2024, pursuant to 42 Pa.C.S.A. § 21071.1(b) is approved at a level not to exceed 5.94%. The amount of this increase is the calculated percentage difference in the consumer price index for Urban Wage Earners and Clerical Workers for the U.S. city average, all items, not seasonally adjusted, for the benchmarks of 2016 through 2018, the immediate

three years preceding the last increase, which was effective February 1, 2019.

By the Court

CHRISTOPHER A. FELICIANI,
President Judge

[Pa.B. Doc. No. 23-1241. Filed for public inspection September 15, 2023, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated July 26, 2023, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 25, 2023, for Compliance Group 3.

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

Allen, Francis D.
Cherry Hill, NJ

Anglada, Elton Miguel
DPO, AE

Appel, Edward George
Dallas, TX

Benjamini, A. Alan
Hamilton, NJ

Block, Dennis E.
Edgewood, NM

Clark, Thomas A., III
New York, NY

Cutler, Gary B.
Berlin, NJ

Darko, Collins M.
Mount Laurel, NJ

deBruin, David Walter
Wilmington, DE

Hertzfel, Ryan E.
Dallas, TX

Hovatter, Edward Joseph
Albany, NY

Katz, Oliver Richard
Annapolis, MD

La Barca, Anjella Mary
Delanco, NJ

Lahm, Robert Edwin
Mount Pleasant, SC

Landolfi, Cara Frances
Clifton, NJ

Maziarz, John E.
Boca Raton, FL

McGowan, John Patrick Jr.
United Arab Emirates

Mitnick, Craig R.
Haddonfield, NJ

Myers, Elizabeth Joy
Arlington, VA

Pearson, Jon Theodore
New York, NY

Radol, Roger Bennett
Washington, DC

Rogillio, Nicholas Jacob
Fort Worth, TX

Rohlfing, James H.
Wilmington, DE

Roll, Stewart D.
Boston, MA

Santaniello, Cheryl Ann
Woodbury, NJ

Schneck, Jed Robert
Marlton, NJ

Sijuwade, Adekunbi Ayinke
Ithica, NY

Squadroni, Joseph Michael
Wilmington, DE

Tauriello, Joseph C.
Vestal, NY

Tucker, Margaret Hunsicker
Matawan, NJ

Walker-McBride, Mary E.
Newark, DE

Warren, Bruce K. Jr.
Pawleys Island, SC

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 23-1242. Filed for public inspection September 15, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 18]

Certified Lifeguards

The Department of Health (Department) amends § 18.42 (relating to certified lifeguards) to read as set forth in Annex A.

Background and Need for Amendments

Lifeguard certifying authorities provide certification courses designed to ensure that individuals seeking to become lifeguards are properly trained and prepared in the event of a water emergency. The regulation establishes requirements that lifeguard training courses must satisfy. The Department approves lifeguard certifying authorities based on these requirements. In 2022, the Department recognized the following lifeguard certifying authorities: 1) The American Red Cross; 2) Jeff Ellis and Associates; 3) Lifeguard-Pro; 4) YMCA; 5) The Boy Scouts of America; 6) StarGuard ELITE; 7) National Aquatic Safety Company; 8) American Aquatics & Safety Training; 9) United States Lifesaving Association (beach and open water); and 10) World Academy of Safety & Health.

The existing regulation specifically names as recognized lifeguard certifying authorities American Red Cross, YMCA and Jeff Ellis and Associates, Inc. The Department has regularly received requests from lifeguard certifying authorities not listed in the regulation, such as Lifeguard-Pro, to have their names included in the regulation. The lifeguard certifying authorities not included argue that the American Red Cross, YMCA and Jeff Ellis and Associates, Inc. are their competition and that their names in the regulation give them more credibility and a competitive advantage. Additionally, it is argued that the regulation listing the names of some lifeguard certifying authorities can appear to be the Department recommending their services over others.

Prior to drafting the proposed rulemaking, the Department mailed a letter to the lifeguard certifying authorities, including American Red Cross, YMCA and Jeff Ellis and Associates, Inc. asking for feedback, including support, opposition or alternatives, to amending the regulation to remove the names of specific lifeguard certifying authorities. The Department received support for removing the names from StarGuard ELITE and the Chair of the National Certification Committee of the United States Lifesaving Association. The Department did not receive any opposition or alternatives from the lifeguard certifying authorities. Prior to drafting this final-form rulemaking, the Department again mailed a letter to the lifeguard certifying authorities, again asking for feedback regarding the amendments to the regulation. The Department did not receive a response to this letter.

Description of Amendments

§ 18.42. Certified lifeguards

As explained in the proposed rulemaking, the Department deletes the sentence “the Department recognizes the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc. as lifeguard certifying authorities” from

subsection (a) and replaces the words “other organizations” with the word “organizations” in paragraph (1). Removing all named lifeguard certifying authorities from the regulation will alleviate the concerns of those lifeguard certifying authorities that are not specifically named in the existing regulation. There will also be no need for the Department to annually amend the regulation based on the current approved lifeguard certifying authorities and possible changes in names. The Department will continue to follow the process currently outlined in § 18.42 to approve and recognize lifeguard certifying authorities, with publication of the list of approved certifying authorities annually in the *Pennsylvania Bulletin*. The American Red Cross, the YMCA and Jeff Ellis and Associates, Inc. already follow this process, and will not be negatively impacted by the removal of their names from the regulation.

Summary and Response to Comments

Notice of the proposed rulemaking was published at 52 Pa.B. 3587 (June 25, 2022). Publication was followed by a 30-day public comment period, during which the Department received no comments. Additionally, the Independent Regulatory Review Commission (IRRC) indicated that it did not have any objections, comments or recommendations to offer on the regulation. IRRC advised that if the final-form rulemaking is delivered without revisions, and the committees do not take any action, it will be deemed approved. The House Health Committee and the Senate Health and Human Services Committee did not submit comments. The Department has made no changes from the proposed rulemaking to this final-form rulemaking.

Fiscal Impact

Department

The Department approves all lifeguard certifying authorities, including the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc., and after conducting a review of materials submitted under the existing regulation, this amendment will not alter this requirement. The Department will not be fiscally impacted by this amendment.

Regulated community

There will be no fiscal impact on the lifeguard certifying authorities as a result of this amendment. Lifeguard certifying authorities are required to comply with the existing regulation and this amendment will not alter that requirement. In 2022, there were a total of ten approved lifeguard certifying authorities, including the American Red Cross, YMCA and Jeff Ellis and Associates, Inc. The removal of the American Red Cross, YMCA and Jeff Ellis and Associates, Inc. as specifically named entities in the regulation should have no impact on them because they already submit materials annually for approval like other lifeguard certifying authorities.

Local governments

The amendment will not fiscally impact local governments.

General public

The amendment will not fiscally impact the general public.

Paperwork Requirements

The amendment will not impose any new or additional paperwork requirements on any of the previously listed entities. The existing application form and application procedures will continue to be used.

Statutory Authority

The Department's overarching authority to promulgate these regulations is found in the Public Bathing Law (act) (35 P.S. §§ 672—680d). In 1995, under section 501 of the Conservation and Natural Resources Act (71 P.S. § 1340.501), the Department of Environmental Resources (DER) was renamed the Department of Environmental Protection and DER's duties and powers were reorganized. The Department transferred the following powers and duties from DER (emphasis added):

(1) The control of nuisances arising from the sanitary condition of tenements, lodging and boarding houses and management of the sanitary affairs of this Commonwealth related to tenements, lodging and boarding houses, organized camps and public bathing places.

(2) The act of November 10, 1959 (P.L. 1400, No. 497), entitled "An act providing for the annual registration of organized camps for children, youth and adults; defining the duties of the Department of Health of the Commonwealth of Pennsylvania; and prescribing penalties."

(3) *The act of June 23, 1931 (P.L. 899, No. 299), known as the Public Bathing Law. As to the Public Bathing Law, the Department of Health shall have the authority to promulgate rules and regulations to protect the public health and safety at all public bathing places.*

71 P.S. § 1340.505. Certified lifeguards are specifically addressed in section 4.1(b) of the act (35 P.S. § 675.1(b)), which states that "[t]he department shall promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment using objective criteria that take into consideration industry standards." Moreover, under section 4.1(b) of the act, the Department is to develop regulations related to lifeguards while consulting approved certifying authorities and recreational swimming establishments. Section 2(5) of the act (35 P.S. § 673(5)) defines the term "certified lifeguard" as "an individual who has a current certification in lifeguarding from a certifying authority recognized by the department in a notice published in the *Pennsylvania Bulletin*." The Department typically publishes this notice annually in the *Pennsylvania Bulletin* and on its web site.

Effectiveness/Sunset Date

The regulation will become effective upon publication in the *Pennsylvania Bulletin* as a final regulation. A sunset date will not be imposed. The Department will monitor the regulations and update them as necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 9, 2022, the Department submitted notice of this proposed rulemaking, published at 52 Pa.B. 3587, to IRRC and the Chairpersons of the

Senate Health and Human Services Committee and the House Health Committee for review and comment.

The Department did not receive any public, legislative or IRRC comments on the proposed regulation. In preparing the final-form rulemaking, the Department has made no revisions based on the lack of comments.

Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), on July 12, 2023, the final-form rulemaking was deemed approved by the Senate Health and Human Services Committee and the House Health Committee. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 13, 2023, and approved the final-form rulemaking.

Contact Person

Additional information regarding this final-form rulemaking may be obtained by contacting Richard A. Pugh, Environmental Health Program Manager, Bureau of Community Health Systems, 30 Kline Plaza, Harrisburg, PA 17104, (717) 736-7393, or by e-mailing RA-DHPUBLICBATHINGPL@pa.gov. Persons with a disability who wish to submit comments, suggestions, or objections regarding the final regulation may do so by using the previously listed number or address. Speech and/or hearing-impaired persons may use the Pennsylvania Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Findings

The Department finds that:

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

(3) No amendments were made to this final-form rulemaking and therefore this final-form rulemaking does not enlarge the original purpose of the proposed rulemaking.

(4) The adoption of the regulations is necessary and appropriate for the administration of the Public Bathing Law.

Order

(1) The regulations of the Department, 28 Pa. Code Chapter 18, are amended by amending § 18.42 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(3) The Department shall submit this final-form rulemaking to IRRC, the State Health and Human Services Committee and the House Health Committee as required by law.

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

(5) This final-form rulemaking shall take effect on publication in the *Pennsylvania Bulletin*.

DR. DEBRA L. BOGEN,
Acting Secretary

(*Editor’s Note:* See 53 Pa.B. 4068 (July 29, 2023) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 10-236 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 28. HEALTH AND SAFETY

PART II. LOCAL HEALTH

CHAPTER 18. PUBLIC SWIMMING AND BATHING PLACES

GENERAL SAFETY

§ 18.42. Certified lifeguards.

(a) *Recognized lifeguard certifying authorities.*

(1) Organizations that intend to qualify as certifying authorities shall submit materials, on an annual basis, to the Department to establish that their lifeguard training courses satisfy the criteria in subsection (b).

* * * * *

[Pa.B. Doc. No. 23-1243. Filed for public inspection September 15, 2023, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 18]

Acupuncturists and Practitioners of Oriental Medicine

The State Board of Medicine (Board) hereby amends Chapter 18, Subchapter B (relating to registration and practice of acupuncturists and practitioners of Oriental medicine) to read as set forth in Annex A. Specifically, the Board amends §§ 18.11, 18.13, 18.13a, 18.15, 18.15a and 18.18 and adds § 18.20 (relating to professional liability insurance coverage for acupuncturists and practitioners of Oriental medicine).

Effective Date

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

Statutory Authority

The primary statutory authority to regulate acupuncturists is granted by the Acupuncture Licensure Act (ALA) (63 P.S. §§ 1801—1806.1). Specifically, section 3(b) of the ALA (63 P.S. § 1803(b)) authorizes the Board to promulgate regulations requiring the proper training of individuals, including physicians, before they may be licensed to practice acupuncture in this Commonwealth and further authorizes the Board to promulgate other regulations as may be deemed proper and necessary regarding the practice of acupuncture.

Background and Need for this Final-Form Rulemaking

Beginning in 2018, the Board undertook a comprehensive review of its regulatory scheme for acupuncturists and practitioners of Oriental medicine. As a result of that

review, the Board proposed comprehensive amendments to Chapter 18, Subchapter B to (1) update outdated terminology, (2) delete outdated licensure provisions, (3) conform the regulations to the act of September 24, 2014 (P.L. 2472, No. 134), (4) restructure requirements in § 18.15 (relating to practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a medical doctor based on the type of license held), (5) expand the list of opportunities to demonstrate English language proficiency, (6) rename the subchapter to reflect the fact that since 2008, acupuncturists are licensed (not registered) and (6) impose a new requirement that acupuncturists obtain and maintain professional liability insurance of at least \$1 million per occurrence or claims made.

Notice of the proposed rulemaking was published at 52 Pa.B. 985 (February 12, 2022). Publication was followed by a 30-day public comment period during which the Board received no public comments. The Independent Regulatory Review Commission (IRRC) submitted comments. Neither the House Professional Licensure Committee (HPLC), nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) submitted comments.

Summary and Responses to Comments

IRRC Comment

IRRC submitted the following five comments on the proposed rulemaking.

1. *Compliance with the Regulatory Review Act*

IRRC commented about the application checklist for initial licensure as a practitioner of Oriental medicine, which details the information required for licensure. IRRC asked the Board to ensure that the terminology in the checklist is consistent with the regulatory language in the final annex. Specifically, IRRC points to the checklist item entitled “Malpractice Insurance” and notes that this checklist item references “acupuncture services,” however, the proposed annex does not define what “acupuncture services” entail. The Board agrees that including the term “services” is confusing and unnecessary. Thus, the Board deletes the term “services” from both this final-form rulemaking, Regulatory Analysis Form (RAF) and both checklists. Additionally, the Board reviewed the remainder of the language used in both checklists and made the language consistent with the regulatory language in the annex.

Next, IRRC suggests that the Practitioner of Oriental Medicine checklist item entitled “Malpractice Insurance” should specify that the insurance must cover claims related to acupuncture and herbal therapy. To address this concern, the Board adds the recommended language indicating that the insurance must cover claims related to acupuncture and herbal therapy under the “malpractice insurance” checklist name on the practitioner of Oriental medicine checklist.

IRRC next refers to the checklist item entitled “Exam Results” and suggests that the Board should include all methods available to the applicant to demonstrate English language proficiency. To address this concern, the Board adds the following language: “If your educational program was not conducted in English, arrange for

TOEFL (Test of English as a Foreign Language), OET (Occupational English Test) or other equivalent English proficiency examinations scores to be submitted directly to the Board to establish English proficiency.” Additionally, the Board noted in the checklist that all Board-approved English proficiency examinations will be listed on the Board’s web site. This way, the applicant is notified of all ways they can establish English proficiency.

The Board also amends the language in both the acupuncture checklist and the practitioner of Oriental medicine checklist entitled “Exam Results” to include “or other examination provider approved by the Board” to allow applicants to seek Board approval of other acupuncture or East Asian herbology examinations. Additionally, the Board noted in the checklists that all Board-approved acupuncture and East Asian herbology examinations will be listed on the Board’s web site. This way, as the Board approves additional examinations, they will be clearly listed for applicants to review prior to applying for licensure.

2. § 18.11. *Definitions.—Clarity*

In its second comment, IRRC questions the definitions of “acupuncture examination” and “East Asian herbology examination” and notes that the definitions for both provide that the Board recognizes the NCAAOM component examinations. IRRC questions whether this language precludes all other examinations that may come along in the future. In this final-form rulemaking, the Board deletes its recognition of the NCAAOM component examination from the definition section. The Board also amends § 18.13(a)(2) (relating to requirements as an acupuncturist) to require the NCAAOM examination component in acupuncture and sterilization procedures, its successor examination or other equivalent Board-approved examination should an examination be presented to the Board at some point in the future. Additionally, the Board amends § 18.13(b)(1) to adopt the NCAAOM examination component in Chinese herbology, its successor examination or other equivalent Board-approved East Asian herbology examination. In both amendments, the Board adds language that all Board-approved examinations will be made available on the Board’s web site.

Next, IRRC commented regarding the Board’s adoption of the NCAAOM examinations for licensure, indicating that the recognition is substantive and should not be included in the definition section, but must instead be in the body of the regulation. To correct this, the Board moves the examination approval language for acupuncturists to § 18.13 in subsection (a)(2) and the examination approval language for the East Asian herbology examination to § 18.13a (relating to requirements for licensure as a practitioner of Oriental medicine) in subsection (b)(1).

In response to IRRC’s final comment under this section, the Board inserts a definition of the “Occupational English Test” in § 18.11 (relating to definitions) of this final-form rulemaking. This definition includes successor examinations.

3. § 18.13. *Requirements for licensure as an acupuncturist.—Clarity and lack of ambiguity; Need for the regulation; and Economic and fiscal impacts of the regulation*

IRRC’s third comment relates to the amendments that updates the list of acceptable methods for demonstrating

English language proficiency for applicants who did not take their acupuncture examination in English. Specifically, IRRC listed three concerns with the Board’s proposed amendments to § 18.13(a)(2)(ii) relating to the phrase “or similar score acceptable to the Board.” First, there is concern that the current language does not account for the TOEFL test variants as described by the Board in the Preamble and RAF. Second, the current language, “or similar score acceptable to the Board” uses nonregulatory language because it is not clear and unambiguous as it is not a binding norm that could be predicted by the regulated community. Third, there is concern that the Board is impermissibly changing a regulatory requirement without a new rulemaking. To address these concerns, the Board amends § 18.13(a)(2)(ii) to provide greater clarity and more regulatory certainty.

In this final-form rulemaking, the Board amends § 18.13(a)(2)(ii) to clarify that an applicant must achieve a scaled score of at least 83 on the TOEFL® IBT (Internet-based test), which is the most recent version of the examination. The Board deletes the phrase “or similar score acceptable to the Board” and replaces it with the acceptable scores for the outdated versions of the TOEFL®. The comparable score for the TOEFL® CBT (computer-based test) is 220 which the Board will accept for that version of the examination. The comparable score for the TOEFL® PBT (paper-based test) is 557—560; however, since the Board’s regulations previously accepted a scaled score of 550 on the PBT, the Board will continue accepting that same score to maintain consistency on this version of the examination. The Board obtained comparable score information from the 2005 *TOEFL Score Comparison Table* which was created by Educational Testing Services (ETS), the company that currently manages the TOEFL. See TOEFL IBT Score Comparison Tables (https://papers.xtremepape.rs/TOEFL/Toefl%20iBT%20Official%20Documents/TOEFL_iBT_Score_Comparison_Tables.pdf). The Board includes the acceptable scores for the outdated versions of the TOEFL. While the CBT and PBT versions of the examination have been discontinued, including these examinations will enable the Board to accept a passing score on these versions of the examination for those individuals who have taken the examination in the past. Finally, this final-form rulemaking adds language that allows the Board to accept future versions of the TOEFL so that when future versions are adopted, the Board’s regulations will recognize those examinations immediately.

IRRC recommends either deleting § 18.13(a)(2)(iv) or explaining why the language is necessary. Instead of deleting this language, the Board amends § 18.13(a)(2)(iv) to allow an applicant to demonstrate English proficiency by achieving a passing score on an English proficiency examination that is deemed equivalent by the Board to either the TOEFL or the OET. This amended language will allow the Board to approve other English proficiency examinations without having to amend its regulations. While there is no equivalent examination known to the Board at this point, the Board does not want to rule out the possibility. To provide greater clarity to the licensed community, the Board includes language that it will make available a list of all Board-approved English language proficiency examinations on its web site should there be any additional examinations deemed equivalent by the Board. This language is important because it gives the Board the authority to review new examinations to determine whether they are equivalent to the TOEFL or OET. This could potentially

save applicants from having to retake an English proficiency examination if the examination they have already taken is deemed equivalent by the Board. It will also eliminate an unnecessary barrier to licensure because the Board will have a mechanism to approve equivalent English proficiency examinations without delay.

IRRC points out that the Board's response to RAF question # 17 notes that applicants will benefit from the expanded options for demonstrating English proficiency but does not discuss the financial impact on individuals. Similarly, the Board's response to RAF question # 19 does not provide a specific estimate of the cost or savings, or both, to the regulated community to comply with the English proficiency provisions in § 18.13(a)(2). To address these concerns, RAF question # 17 is amended to include language explaining the expanded options available to establish English proficiency and the financial impact these different options will have on the applicant. Specifically, the Board adds discussion on cost savings for applicants who would not have to pay for an English proficiency examination if they attended an English-speaking education program, took their examination in English or already took and passed the OET or any version of the TOEFL examination. If the applicant takes the OET examination to meet the English proficiency requirement, there would be an increased cost as compared to taking the TOEFL, which is the examination accepted under the existing regulations. While there may be an increased cost to take the OET, the individual is not required to take this examination. The Board is providing this as an option so that applicants have a variety of ways to show English proficiency.

The Board also amends the response to RAF question # 19 to include the financial costs and savings to the regulated community to comply with the English proficiency requirement. Applicants who did not take their examination in English, but who attended an English-speaking education program would save money on having to take an English proficiency examination. Additionally, applicants will save money on having to take the TOEFL examination, which costs about \$100, if they can establish that they have already taken the OET examination, an older version of the TOEFL or another English proficiency examination that is deemed equivalent by the Board.

IRRC's final concern under the third comment relates to § 18.13(a)(2)(i), which requires that an applicant demonstrate that their acupuncture program was conducted in English by submitting the documents in English or by submitting an official translation. It has been noted by IRRC that there is no mention of this cost in the RAF. The final-form version of the RAF is revised to account for this cost.

4. *§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician; practice responsibilities of an acupuncturist who is a licensed medical doctor.—Clarity*

The fourth comment submitted by IRRC relates to the Board's reference to "acupuncture services" in § 18.15(c) and the fact that "acupuncture services" is not defined. To address this concern, the Board deletes the term "services" throughout this final-form rulemaking so that only the term "acupuncture" remains. As mentioned in response to the first comment, the term "acupuncture" is already defined, so the term "services" is unnecessary.

5. *§ 18.18. Disciplinary and corrective measures.—Clarity*

IRRC's fifth and final comment relates to section 3.2(c) of the ALA (63 P.S. § 1803.2(c)), which requires a licensee

to notify the Board within 30 days of their failure to be covered by insurance. A failure to notify the Board is actionable under section 3 and section 5 of the ALA (63 P.S. § 1805). The license to practice will be automatically suspended upon failure to be covered by the required license and will not be restored until submission to the Board of satisfactory evidence that the licensee has the required professional liability insurance coverage. IRRC suggests that this non-compliance provision be incorporated in this final-form rulemaking. To address this concern, the Board amends § 18.18 (relating to disciplinary and corrective measures) by adding paragraph (6), which provides for disciplinary sanctions for a licensee's failure to notify the Board within 30 days of the licensee's failure to be covered by the required liability insurance. To clarify the disciplinary and corrective measures, the Board adds a cross reference to § 18.20 in § 18.18(a)(4). The Board also amends § 18.20 by adding subsection (e), which provides for automatic suspension for failure to be covered by insurance.

Fiscal Impact and Paperwork Requirements

The costs and additional paperwork associated with this final-form rulemaking are related to the requirement for acupuncturists and practitioners of Oriental medicine to obtain professional liability insurance and to provide proof to the Board, which was imposed by the General Assembly in 2014, and was implemented by the Board at that time. The Board estimates these costs to be approximately \$425 annually per licensee. Additionally, there are costs related to the English proficiency examination if the applicant's examination was not conducted in English. The Board's existing regulations already require that in this scenario, an applicant must take the TOEFL examination to demonstrate English proficiency. This final-form rulemaking provides a new mechanism for applicants to demonstrate English proficiency with no additional cost to the applicant if their educational program was conducted in English. The Board also provides additional alternatives to the TOEFL examination, including the OET examination, which costs \$400. Additionally, the applicant can now demonstrate English proficiency if they have taken an older version of the TOEFL examination or if they have taken another English proficiency examination which, after review by the Board, is deemed equivalent to the TOEFL and OET examinations. While the OET and other Board-approved English proficiency are both now additional options, the Board does not anticipate applicants using these options often. In the last 4 years, there have been no applicants who have had to demonstrate English proficiency through an examination. However, the Board wants to ensure that when an applicant does have to demonstrate English proficiency, they will be able to do so in the easiest way possible. There may be additional cost for applicants to translate their education verification, if the documents are not in English, which can run approximately \$20—\$25 per page.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 26, 2022, the Board submitted a copy of the proposed rulemaking published at 52 Pa.B. 985, and a copy of a RAF to IRRC and to the Chairpersons HPLC and the SCP/PLC for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 Board has considered all comments received from IRRC. No public comments were received. The Board received no comments from the HPLC and the SCP/PLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on May 22, 2023, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. On June 2, 2023, the Board withdrew this final-form rulemaking. On June 9, 2023, the Board re-delivered this final-form rulemaking. Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act on July 12, 2023, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 13, 2023, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Saiyad Ali, Board Administrator, State Board of Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-MEDICINE@pa.gov.

Findings

The State Board of Medicine finds that:

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

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose for the proposed regulation published at 52 Pa.B. 985.

(4) These amendments to the regulations of the State Board of Medicine are necessary and appropriate for the regulation of the practice of acupuncturists and practitioners of Oriental medicine in the Commonwealth.

Order

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

(a) The regulations of the State Board of Medicine, 49 Pa. Code Chapter 18, are amended by amending §§ 18.11, 18.13, 18.13a, 18.15, 18.15a and 18.18, and adding § 18.20 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

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

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

MARK B. WOODLAND, MS, MD,
Chairperson

(*Editor's Note:* See 53 Pa.B. 4068 (July 29, 2023) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-4956 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

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

Subchapter B. LICENSURE AND PRACTICE OF ACUPUNCTURISTS AND PRACTITIONERS OF ORIENTAL MEDICINE

§ 18.11. Definitions.

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

* * * * *

Acupuncture examination—An examination recognized by the Board to test whether an individual has accumulated sufficient academic knowledge with respect to the practice of acupuncture to qualify for the privilege of practicing as an acupuncturist in this Commonwealth.

Acupuncture medical program—An academic or clinical program of study in acupuncture which has been given category I continuing medical education credit by an institution accredited or recognized by the Accreditation Council on Continuing Medical Education to conduct category I continuing medical education courses.

Acupuncturist—An individual licensed to practice acupuncture by the Board.

East Asian herbology—The use of herbal preparations and products that contain as active ingredients parts of plants, minerals and other organic materials, or a combination thereof, administered according to East Asian medicine tradition to normalize function.

East Asian herbology examination—An examination recognized by the Board to test whether an acupuncturist has accumulated sufficient academic knowledge with respect to the practice of herbal therapy to qualify for licensure as a practitioner of Oriental medicine in this Commonwealth.

Herbal therapy—The application of East Asian herbology to the treatment of acupuncture patients.

NCCAOM—The National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

OET—The English language test for healthcare professionals or its successor examination.

Practitioner of Oriental medicine—An acupuncturist who is licensed by the Board to use herbal therapy.

Supplemental techniques—The use of traditional and modern Oriental therapeutics, heat therapy, moxibustion, electrical and low-level laser stimulation, acupressure and other forms of massage, and counseling that includes the therapeutic use of foods and supplements and lifestyle modifications.

TOEFL[®]—The Test of English as a Foreign Language offered by Educational Testing Service (ETS).

§ 18.13. Requirements for licensure as an acupuncturist.

(a) The Board will license as an acupuncturist a person who satisfies the following requirements:

(1) Has successfully completed an acupuncture educational program which includes a course in needle sterilization techniques.

(2) Has been certified by NCCAOM or has obtained a passing grade on the NCCAOM examination component in acupuncture and sterilization procedures, its successor examination or other equivalent Board-approved examination. The Board will make available a list of successor or other equivalent Board-approved examinations on its web site. If the examination was not taken in English, but is otherwise acceptable and a passing score was secured, the Board will accept the examination result if the applicant has also demonstrated English language proficiency by one of the following methods:

(i) The applicant's acupuncture educational program was conducted in English.

(ii) The applicant has achieved a scaled score of at least 83 on the TOEFL[®] Internet-based test (IBT), a 220 for the TOEFL[®] computer-based test (CBT) or a 550 on the TOEFL[®] paper based test (PBT) or an equivalent score on a successor examination of the TOEFL[®]. The Board will make available a list of Board-approved successor examinations on its web site.

(iii) The applicant has achieved a score of at least 350 on each of the four sub-tests of the OET for any of the health-related professions.

(iv) The applicant has achieved a passing score on an English language proficiency examination, equivalent to the TOEFL[®] or OET, as determined by the Board. The Board will make available a list of equivalent Board-approved English language proficiency examinations on its web site.

(b) The Board will license as an acupuncturist a medical doctor who satisfies the following requirements:

(1) Has successfully completed 200 hours of training in acupuncture medical programs including examinations required by those programs.

(2) Submits an application to register as an acupuncturist accompanied by the required fee as provided under § 16.13 (relating to licensure, certification, examination and registration fees).

(c) [Reserved].

§ 18.13a. Requirements for licensure as a practitioner of Oriental medicine.

(a) An acupuncturist who also intends to use herbal therapy is required to be licensed by the Board as a practitioner of Oriental medicine.

(b) The Board will license an acupuncturist as a practitioner of Oriental medicine if the licensee, in addition to meeting the requirements under § 18.13 (relating to requirements for licensure as an acupuncturist) has fulfilled one of the following:

(1) Successfully completed an acupuncture education program that includes the study of East Asian herbology and has passed an East Asian herbology examination. Board-approved East Asian herbology examinations include the NCCAOM examination component in Chinese herbology, its successor examination or other equivalent Board-approved East Asian herbology examination. The Board will make available a list of successor or other equivalent Board-approved examinations on its web site.

(2) Has obtained NCCAOM certification in Chinese herbology or Oriental medicine, which includes passing the NCCAOM examination component in Chinese herbology.

(c) An acupuncturist registered with the Board prior to April 14, 2007, may obtain a license as a practitioner of Oriental medicine if the acupuncturist can demonstrate one of the following:

(1) Successful completion of an East Asian herbology or Oriental medicine education program recognized by the licensing authority of another state or United States territory for the practice of herbal therapy or Oriental medicine and successful completion of an examination in East Asian herbology or Oriental medicine recognized by the licensing authority of another state or United States territory for the practice of herbal therapy or Oriental medicine.

(2) NCCAOM certification in Chinese herbology or Oriental medicine.

(3) The achievement of cumulative qualifications that the Board determines to be equivalent to the standard requirements for registration as a practitioner of Oriental medicine.

(d) This section does not apply to a medical doctor licensed as an acupuncturist nor does it restrict the practice of medicine by a medical doctor.

§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician; practice responsibilities of an acupuncturist who is licensed as a medical doctor.

(a) *Responsibilities to patient and public*—*acupuncturist who is not a physician.* An acupuncturist who is not a physician:

(1) Shall perform an acupuncture evaluation and develop an acupuncture treatment plan.

(1.1) May treat an individual presenting with no symptoms of a condition for an unlimited period of time.

(2) May treat an individual presenting with symptoms of a condition for 60 calendar days from the date of the first treatment without the condition being diagnosed by a physician, dentist or podiatrist.

(3) May treat an individual presenting with symptoms of a condition beyond 60 calendar days from the date of first treatment if the patient has obtained an examination and diagnosis from a physician, dentist or podiatrist.

(4) Shall promptly refer the patient presenting with symptoms of a condition to a physician, dentist or podiatrist, as appropriate to the patient's condition, if the acupuncturist determines that further acupuncture treatment is contraindicated for the patient or determines that the patient's symptoms have worsened.

(5) Shall consult with the patient's physician, dentist, podiatrist or other health care practitioner upon request of the patient.

(6) Shall cooperate with the patient's physician, dentist or podiatrist in regard to the coordination of the patient's care, and comply with restrictions or conditions as directed by the physician, dentist or podiatrist.

(7) May not diagnose a physical or mental ailment or condition or prescribe or dispense a drug. This provision does not prohibit the use of diagnostic billing codes for billing or reimbursement purposes.

(8) Shall comply strictly with sterilization standards relative to aseptic practices.

(9) Shall maintain patient records in a manner consistent with § 16.95 (relating to medical records).

(10) Shall wear a tag or badge with lettering clearly visible to the patient bearing the acupuncturist's name and the title "Acupuncturist." The use of the words doctor, physician or any title or abbreviation implying licensure as a physician on this tag or badge is prohibited.

(b) [Reserved].

(b.1) *Additional responsibilities to patient and public—practitioner of Oriental medicine who is not a physician.* In addition to the responsibilities in subsection (a)(1)–(9), a licensed practitioner of Oriental medicine who provides, or contemplates providing, herbal therapy:

(1) Shall perform an herbal therapy evaluation and, if appropriate, develop an appropriate treatment plan utilizing, in whole or in part, East Asian herbology modalities.

(2) Shall promptly refer a patient presenting with symptoms of a condition to a physician, dentist or podiatrist, as appropriate to the patient's condition, if the practitioner of Oriental medicine determines that further treatment of the patient by East Asian herbology modalities is contraindicated for the patient, may interfere with known drugs prescribed to the patient, or determines that the patient's symptoms have worsened.

(3) Shall wear a tag or badge with lettering clearly visible to the patient bearing the licensee's name, as well as the title "Practitioner of Oriental Medicine." The use of the words doctor, physician or any title or abbreviation implying licensure as a physician on this tag or badge is prohibited.

(c) *Responsibilities to patient and public—acupuncturist who is currently licensed as a medical doctor.* An acupuncturist who also holds a current and active license as a medical doctor in this Commonwealth:

(1) Shall include in the patient's medical records evidence of having performed an acupuncture evaluation and development of an acupuncture treatment plan for patients considered for, or who receive, acupuncture.

(2) Shall comply strictly with sterilization standards relative to aseptic practices when providing acupuncture to patients.

§ 18.15a. Scope of practice of acupuncturists and practitioners of Oriental medicine.

(a) An acupuncturist may practice acupuncture and use supplemental techniques, including the use of non-prescription topical remedies which contain as active ingredients parts of plants, minerals and other organic materials, but may not use herbal therapy as defined in § 18.11 (relating to definitions) unless licensed by the Board as a practitioner of Oriental medicine.

(b) A practitioner of Oriental medicine may practice acupuncture and use supplemental techniques including herbal therapy. A practitioner of Oriental medicine is not prohibited from dispensing or administering therapeutic herbs that contain ingredients that are similar or equivalent to active ingredients in drugs as classified by the Federal Food and Drug Administration, unless otherwise prohibited by law or regulation.

(c) This section does not limit the scope of practice of a medical doctor who is licensed as an acupuncturist.

§ 18.18. Disciplinary and corrective measures.

(a) The Board may impose any of the disciplinary sanctions authorized under section 42 of the act (63 P.S. § 422.42) or 63 Pa.C.S. § 3108(b) (relating to civil penalties) for any of the following:

(1) Failing to comply with the duties and requirements in § 18.15 (relating to practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician; practice responsibilities of medical doctor licensed as an acupuncturist).

(2) Practicing or holding out as being able to practice acupuncture without a current and valid license to practice acupuncture.

(3) Practicing or holding out as being able to practice East Asian herbology without a current and valid license as a practitioner of Oriental medicine.

(4) Practicing acupuncture or East Asian herbology without current professional liability insurance coverage as required under section 3.2 of the Acupuncture Licensure Act (63 P.S. § 1803.2) and § 18.20 (relating to professional liability insurance coverage for acupuncturists and practitioners of Oriental medicine).

(5) Engaging in conduct prohibited under section 41 of the act (63 P.S. § 422.41) for Board-regulated practitioners.

(6) Failure to notify the Board within 30 days of licensee's failure to be covered by insurance under as required under section 3.2 of the Acupuncture Licensure Act and § 18.20.

(b) The Board will order the emergency suspension of the license of an acupuncturist or practitioner of Oriental medicine who presents an immediate and clear danger to the public health and safety, as required under section 40 of the act (63 P.S. § 422.40).

(c) The license of an acupuncturist or practitioner of Oriental medicine shall automatically be suspended, as required under section 40 of the act.

§ 18.20. Professional liability insurance coverage for acupuncturists and practitioners of Oriental medicine.

(a) A licensed acupuncturist shall maintain a level of professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made, as required under section 3.2 of the Acupuncture Licensure Act (63 P.S. § 1803.2).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from a personally purchased professional liability insurance policy setting forth the effective date, expiration date and dollar amount of coverage.

(2) A certificate of insurance or copy of the declaration page from an employer purchased professional liability insurance policy describing the licensee by name as a covered party under the policy, the effective date, expiration date and dollar amount of coverage.

(3) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A licensee who does not have current professional liability insurance coverage as required under section 3.2 of the Acupuncture Licensure Act may not practice as an acupuncturist or as a practitioner of Oriental medicine in this Commonwealth.

(d) The professional liability insurance coverage for a licensed practitioner of Oriental medicine shall cover claims related to acupuncture as well as claims related to the provision of herbal therapy.

(e) The license of an acupuncturist or practitioner of Oriental medicine shall automatically be suspended upon failure to be covered by the required professional liability insurance required in this section and shall not be restored until submission to the Board of satisfactory evidence that the licensee has the required professional liability insurance coverage.

[Pa.B. Doc. No. 23-1244. Filed for public inspection September 15, 2023, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]

License by Endorsement

The State Board of Optometry (Board) hereby amends Chapter 23 (relating to State Board of Optometry) by adding §§ 23.27, 23.27a and 23.27b (relating to definitions; license by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to “issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth” provided the applicant meets the following criteria: “[h]olds a current license, certificate, registration or permit from another state, territory or country” whose licensing “requirements are substantially equivalent to or exceed the requirements. . . in this Commonwealth;” “[d]emonstrates competency;” “[h]as not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit;” “[i]s in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the. . . board or. . . commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit;” and the applicant “pays any fees established by. . . regulation.” Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to “issue a provisional license, certificate, registration or permit” while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 3(b)(14) of the Optometric Practice and Licensure Act (act) (63 P.S. § 244.3(b)(14)) provides the Board with authority to promulgate all rules and regulations necessary to carry out the purposes of the act.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

Background and Need for the Amendments

This final-form rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license, certificate, registration or permit to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether the jurisdiction’s standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of a provisional endorsement license. This final-form rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

The Board published a notice of proposed rulemaking at 51 Pa.B. 6046 (September 18, 2021), for 30 days of public comment. The Board did not receive any comments from the public. The House Professional Licensure Committee (HPLC) submitted comments. As part of its review under the Regulatory Review Act (RRA), the Independent

Regulatory Review Commission (IRRC) submitted comments. The Board received no comments from the Senate Consumer Protections and Licensure Committee (SCP/PLC). The following represents a summary of the comments received and the Board's response.

Summary of the HPLC Comments and the Board's Response

The HPLC commented on § 23.27a(a)(1)(i) regarding license by endorsement which requires the applicant to provide a copy of the current law and regulations, including the scope of practice, in the jurisdiction where the applicant holds an active license. The HPLC expressed a concern that this is not a specific statutory requirement and suggested it should be Board Counsel's responsibility to research the laws and regulations of the jurisdiction from which the applicant is applying. For the following reasons the Board disagrees and is not amending § 23.27a(a)(1)(i) in this final-form rulemaking; 1) to date the Board has received only six applications and the applicants have been able to provide the Board with the necessary laws and regulations quickly and easily; 2) it is the applicant's burden to prove to the Board that qualifications for licensure are met; and 3) putting this burden on the Board and its legal counsel unnecessarily puts a financial burden on the Board and to its licensees that finance the Board through biennial renewal fees, or if this cost is applied to application fees, then the cost to apply for a license would have to be increased. Applicants generally have access to the laws and regulations of the jurisdiction where they are licensed. It is of particular concern when an applicant is licensed in another country. This type of research is overly burdensome and could be costly to the Board. While the Board will take steps to verify the laws and regulations of another jurisdiction, having the applicant provide that initial information is the most expedient and fiscally prudent approach.

The HPLC next commented on § 23.27a(a)(4) which on proposed stated that the applicant could not have been disciplined by the jurisdiction that issued the license, certificate, registration or permit. The HPLC suggested clarifying this paragraph by specifying the type of discipline and providing a timeframe. The HPLC suggested that the Board distinguish between formal discipline and a complaint. The Board does not think it is necessary to make this type of distinction. A complaint is not considered to be formal or informal discipline. Additionally, the Board does not believe it is appropriate to predetermine the type of discipline or the timeframe discipline occurred. The Board, instead, believes it is appropriate to evaluate discipline on a case-by-case basis. As indicated in § 23.27a(c), the Board is authorized to determine that discipline is not an impediment to licensure under 63 Pa.C.S. § 3111. In determining whether the discipline is an impediment to licensure, it is dutybound to apply the caselaw and other applicable laws. See *Secretary of Revenue v. John's Vending Corp.*, 453 Pa. 488, 309 A.2d 358 (1973); *Bethea-Tumani v. Bureau of Professional and Occupational Affairs, State Board of Nursing*, 993 A.2d 921 (Pa. Cmwlth. 2010). As part of that analysis, the Board may consider the facts and circumstances surrounding the prohibited act or disciplinary action, increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action, successful completion of education and training activities relating to the prohibited act or disciplinary action and any other information relating to the fitness of the individual for licensure. To be consistent with the language in

§ 23.27a(a)(3) and (4), the Board adds the word "discipline" to the title of § 23.27a(c).

The HPLC also commented on § 23.27b(b)(1) regarding provisional endorsement license noting that this provision would allow the Board to issue a provisional license for less than a year and asked why the Board would need to do so. Section 3111(b)(2) of 63 Pa.C.S. requires the Board to establish an expiration date for provisional licenses in its regulations. The Board, along with most other boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) have determined that expiration of 1 year is generally an appropriate timeframe for most applicants. However, in the interest of public safety, the Board has determined that providing some discretion to the Board is necessary for instances where the remaining licensure requirements do not require a full year to complete the remaining licensure requirements. It is in the public interest to ensure that a licensee becomes qualified or competent as expeditiously as possible. While the Board certainly will provide a full year when the facts warrant it, it wants its licensees to be qualified and competent as soon as practicable. An example would be where an applicant from another jurisdiction only needs to complete 10 more continuing education credits. To allow 12 months to establish competency when competency could be accomplished in a shorter term would not be in the best interest of public safety. This is because the Board believes it is best for applicants to meet the competency requirements within a reasonable time period that is tied to the length of time necessary to meet the specific competency requirement.

The HPLC also commented on subsection (c), noting that the Board did not include the expiration date as a means by which the provisional endorsement license may terminate. The Board agrees with the HPLC and has included the expiration date as means by which the provisional endorsement license may terminate. To clarify this subsection, the Board also included the granting of a license as a means by which the provisional endorsement license would also terminate. Additionally, the Board made non-substantive amendments to subsection (c) to improve clarity and readability.

The HPLC commented that § 23.27b(d) is unintentionally vague and asked the Board to allow applicants to reapply for multiple provisional licenses. The Board does not believe it is necessary or appropriate to allow multiple provisional licenses. A provisional license is an unrestricted license that is issued to an applicant in an effort to provide a short period of time (of up to 1 year) to satisfy remaining licensing requirements. While the Board is reluctant to issue an unrestricted license to an applicant who has not met the licensure standards or who has not proven competency, the General Assembly gave boards the discretion to do so as long as there was an expiration to that provisional license. Thus, the provisional license is meant to be a temporary license, on a short-term basis, to allow an applicant to begin practicing while completing remaining licensing requirements. The Board's regulations do allow for requests for an extension up to 1 additional year; the Board believes this timeframe is more than sufficient. The Board is concerned that allowing for multiple provisional licenses could be used as a mechanism to circumvent licensure standards. An applicant may certainly apply for an optometric license through § 23.27a after a provisional license expires; however, if the applicant does not meet the licensure standards after having a provisional license and having

the option to apply for an extension, the applicant would not be eligible to apply for or receive an additional provisional license.

Summary of IRRC's Comments and the Board's Response

IRRC, in its comment, identified the previously stated HPLC comments. IRRC indicated that it will consider the HPLC comments and the Board's response to the issues raised in determining whether the regulation is in the public interest. The reasons provided previously, in response to the HPLC comments, show that that the regulation is in the public interest.

IRRC commented regarding the Regulatory Analysis Form (RAF) Question 19 and the cost to the regulated community for translation. This final-form rulemaking is amended to include a specific estimate of costs to the regulated community for translation of an applicable law, regulation or rule.

IRRC requested that the RAF be updated to include a list of specific persons or groups, or both, involved in developing and drafting the proposal. The Board has attached a list of stakeholders to the final-form RAF.

Additionally, IRRC asked the Board to provide an updated RAF that includes an estimate of the costs that would be associated with having the regulation or rule be translated by a professional service. The Board has updated the RAF to include an estimate of these costs.

Finally, IRRC requested that the title of Chapter 23 be amended to reflect the proposed content pertaining to licensure by endorsement. The undesignated header "License by Endorsement under 63 Pa.C.S. § 6111" is added as suggested by IRRC.

Miscellaneous Clarifications

Twenty-seven boards under the Bureau are drafting and publishing licensure by endorsement regulations. In an effort to keep language in the regulations as consistent as possible, the Board is amending the regulations based upon comments during the review process of other regulations. The following amendments are stylistic and do not have a substantive impact on the regulations.

Under § 23.27a(a)(2)(i) of the proposed rulemaking, to demonstrate competency by experience, the proposed regulations require active engagement in the practice of optometry for at least 2 of the 5 years immediately preceding the filing of the application with the Board. In drafting the proposed regulation, the Board assumed that the applicable experience would have been obtained in the jurisdiction under which the applicant was applying for licensure, and for which the Board would have determined that jurisdiction's licensure standards were substantially equivalent to the Board's licensure standards. To be more inclusive, the Board amends § 23.27a(a)(2)(i) to clarify that experience must be obtained under a license, certificate, registration or permit in a jurisdiction or jurisdictions that have substantially equivalent licensure standards. Thus, the amendment makes clear that the Board will consider experience accumulated in more than one jurisdiction when calculating the required experience provided that those jurisdictions have substantially equivalent licensure standards.

The Board amends § 23.27a(a)(2)(ii) to clarify that completion of child abuse recognition and reporting training required under paragraph (7) may be attributed to the 30 hours of continuing education required to demonstrate competency. The Board currently allows continuing education in child abuse recognition and reporting to be attributed to the 30 hours of continuing education re-

quired for biennial renewal. Thus, to maintain consistency, the Board decided to allow the child abuse recognition and reporting training to be attributed to the 30 hours of continuing education required under § 23.27a(a)(2)(ii).

The Board makes minor amendments to § 23.27a(a), 23.27a(a)(5)—(7) and 23.27a(d) for stylistic consistency. The revisions do not substantively change the meaning of the provisions. The Board amends § 23.27a(b) to clarify that the Board may require, instead of request, submission of additional information. In § 23.27a(c), to improve clarity, the Board adds the term "discipline" to the heading to clarify that subsection (c) applies to prohibited acts and discipline. The Board also replaces the term "licensure" with "license" in § 23.27b(d) for consistency.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions. Only minor paperwork requirements are imposed for the Board to develop a form for applying for license by endorsement.

Sunset Date

The Board continually monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the RRA (71 P.S. § 745.5(a)), on September 2, 2021, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 6046 and a copy of a RAF to IRRC and to the HPLC and the SCP/PLC for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the RRA (71 P.S. § 745.5(c)), the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received as well as other documents when requested. In preparing the final-form regulation, the Board considered comments received from IRRC and the HPLC. No public comments were received. The Board received no comments from the SCP/PLC.

Under section 5.1(a) of the RRA (71 P.S. § 745.5a(a)), on May 22, 2023, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the RRA on July 12, 2023, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the RRA, IRRC met on July 13, 2023, and approved the final-form rulemaking.

Findings

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, 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.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 51 Pa.B. 6046.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of 63 Pa.C.S. § 3111 and the act.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 23, are amended by adding §§ 23.27, 23.27a and 23.27b to read as set forth in Annex A.

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

(c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

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

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

LUANNE CHUBB, OD,
Chairperson

(*Editor's Note:* See 53 Pa.B. 4068 (July 29, 2023) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-5218 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS CHAPTER 23. STATE BOARD OF OPTOMETRY

LICENSE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

§ 23.27. Definitions.

The following word or term, when used in § 23.27a (relating to license by endorsement under 63 Pa.C.S. § 3111) has the following meaning, unless the context clearly indicates otherwise:

Jurisdiction—A state, territory or country.

§ 23.27a. License by endorsement under 63 Pa.C.S. § 3111.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing to practice optometry in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 4 of the act (63 P.S. § 244.4) and §§ 23.11—23.15, 23.202 and 23.205. The following apply:

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing

licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the practice of optometry by demonstrating, at a minimum, that the applicant has actively engaged in the practice of optometry under a license, certificate, registration or permit in a jurisdiction or jurisdictions that have substantially equivalent licensure standards for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 30 hours of continuing education that meets the requirements of §§ 23.82 and 23.83 (relating to continuing education hour requirements; continuing education reporting; audit and enforcement; and continuing education subject matter) during the 24 months immediately preceding the date of the application. Completion of child abuse recognition and reporting training under paragraph (7) may be attributed to the 30 hours of continuing education.

(iii) Achieve a passing score on the NBEO Clinical Skills Assessment Examination or its equivalent, as determined by the Board, within 2 years immediately preceding the date of the application.

(3) Have not committed any act prohibited by section 7 of the act (63 P.S. § 244.7) or §§ 23.61—23.65 (relating to unlawful practices).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the license application fee as required by § 23.91 (relating to fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(7) Have completed 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 7 of the act or §§ 23.61—23.65, or disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 23.27b. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under

63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 23.27a (relating to license by endorsement under 63 Pa.C.S. § 3111).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and grants or denies the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for license by endorsement under § 23.27a after expiration or termination of a provisional endorsement license, but the individual may not be issued a subsequent provisional endorsement license.

[Pa.B. Doc. No. 23-1245. Filed for public inspection September 15, 2023, 9:00 a.m.]

the board or commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit;” “[i]s in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the . . . board or . . . commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit;” and the applicant “pays any fees established by . . . regulation.” Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to “issue a provisional license, certificate, registration or permit” while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)) provides that the Board may adopt rules and regulations consistent with the law as necessary for the performance of its duties and the proper administration of the act.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (repealed) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This final-form rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement, as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether the other jurisdiction’s standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of measuring competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the duration of a provisional endorsement license. This final rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

Summary of Comments to the Proposed Rulemaking and the Response of the Board

Notice of the proposed rulemaking was published at 52 Pa.B. 835 (February 5, 2022). The Board did not receive any comments from the public or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). The Board received comments and recommendations from the House Professional Licensure Committee (HPLC). The Independent Regulatory Review Committee (IRRC) reviewed the proposed rulemaking and provided comments and recommendations.

Comments from the HPLC

The HPLC commented on § 42.9(a)(1)(i), regarding license by endorsement, which requires the applicant to provide a copy of the current law and regulations, including the scope of practice, in the jurisdiction where the applicant holds an active license. The HPLC expressed a concern that this is not a specific statutory requirement and suggested it should be Board counsel’s responsibility to research the laws and regulations of the

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

Licensure by Endorsement

The State Board of Occupational Therapy Education and Licensure (Board) hereby amends § 42.1 (relating to definitions) and adds §§ 42.9 and 42.10 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to “issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth” provided the applicant meets the following criteria: “[h]olds a current license, certificate, registration or permit from another state, territory or country” whose licensing “requirements are substantially equivalent to or exceed the requirements . . . in this Commonwealth;” “[d]emonstrates competency;” “[h]as not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless

jurisdiction from which the applicant is applying. For the following reasons, the Board disagrees and is not amending § 49.9(a)(1)(i) in this final-form rulemaking: 1) to date the Board has received less than five applications annually; 2) applicants, as a practical matter, are in the best position to obtain the laws and rule and have been able to provide the Board with the necessary laws and regulations quickly and easily; 3) applicants have the burden to prove to the Board that qualifications for licensure are met; and 4) putting this burden on the Board and its legal counsel unnecessarily puts a financial burden on the Board and its licensees who finance the Board through biennial renewal fees, or if this cost is applied to application fees, the cost to apply for a license would have to be increased. Applicants generally have access to the laws and regulations of the jurisdiction where they are licensed. Accessibility is of particular concern when an applicant is licensed in another country; this type of research is overly burdensome and could be costly to the Board. While the Board will take steps to verify the laws and regulations of another jurisdiction, having the applicant provide that initial information is the most expedient and fiscally prudent approach. After considering all options, the Board believes requiring an applicant to obtain laws and rules from the applicable state, jurisdiction or country is the most appropriate, efficient and cost-effective manner to supply the Board with the information necessary for the Board to make a substantial equivalency determination.

Second, the HPLC recommends clarifying § 42.9(a)(4) to specify the type of discipline that may preclude licensure and the timeframe when the discipline occurred. The HPLC suggested that the Board clarify by specifying the type of discipline and providing a timeframe when the discipline occurred. The HPLC suggested that the Board distinguish between formal discipline and a complaint. The Board does not think it is necessary to amend the regulations to distinguish between formal discipline and a complaint; a complaint is neither formal nor informal discipline. Additionally, the Board does not wish to specify the timeframe when the discipline occurred. The Board, instead, believes it is appropriate to evaluate discipline on a case-by-case basis. As indicated in § 42.9(c), the Board is authorized to determine that a prohibited act or discipline is not an impediment to licensure under 63 Pa.C.S. § 3111. In determining whether the discipline is an impediment to licensure, it is dutybound to apply the caselaw and other applicable laws. See *Secretary of Revenue v. John's Vending Corp.*, 453 Pa. 488, 309 A.2d 358 (1973); *Bethea-Tumani v. Bureau of Professional and Occupational Affairs, State Board of Nursing*, 993 A.2d 921 (Pa. Cmwlth. 2010). As part of that analysis, the Board may consider the facts and circumstances surrounding the prohibited act or disciplinary action, increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action, successful completion of education and training activities relating to the prohibited act or disciplinary action and any other information relating to the fitness of the individual for licensure. To be consistent with the language in § 42.9(a)(3) and (4), the Board adds the word "discipline" to the title of § 42.9(c).

The third comment by the HPLC relates to § 42.10(b)(1) which provides the Board with authority to issue a provisional license for less than 1 year. Section 3111(b)(2) of 63 Pa.C.S. requires the Board to establish an expiration date for provisional licenses in its regulations.

The Board, along with most other boards and commissions under the Bureau of Professional and Occupational Affairs has determined that expiration of 1 year is generally an appropriate timeframe for most applicants. However, in the interest of public safety, the Board has determined that providing some discretion to the Board is necessary for instances where the remaining licensure requirements do not require a full year to complete the remaining licensure requirements. It is in the public interest to ensure that a licensee becomes qualified or competent as expeditiously as possible. While the Board certainly will provide a full year when the facts warrant it, it wants its licensees to be qualified and competent as soon as practicable. The Board anticipates this discretion would be utilized in a situation where an applicant's obligations to meet the licensure or competency requirements are minimal. For example, an applicant who must only complete 2 months of experience to meet the competency requirements may receive a provisional license valid for 4 months. To allow a longer duration, such as 12 months, in all situations opens the door for an individual who has not been deemed competent to practice for 10 months before they even attempt to meet the competency requirements. In the interest of public safety, the Board believes it is best for applicants to meet the competency requirements within a time period closely tied to the length of time necessary to meet the specific competency requirement.

The fourth and final comment by the HPLC suggests an amendment to § 42.10(d) to delete the language precluding the issuance of more than one provisional license. A provisional license is an unrestricted license that is issued to an applicant to provide a short period of time to an applicant to practice while simultaneously working to meet the Board's licensure by endorsement requirements. While the Board is reluctant to issue an unrestricted license to an applicant who has not met the licensure standards or who has not proven competency, the General Assembly gave boards the discretion to do so as long as there was an expiration to that provisional license. Thus, the provisional license is meant to be a temporary license, on a short-term basis, to allow an applicant to begin practicing while completing remaining licensing requirements. The Board's regulations allow for requests for an extension up to 1 additional year; the Board believes this timeframe is more than sufficient. The Board is concerned that allowing for multiple provisional licenses could be used as a mechanism to circumvent licensure standards. An applicant may certainly apply for an occupational therapy license through § 42.9 after a provisional license expires; however, if the applicant does not meet the licensure standards after having a provisional license and having the option to apply for an extension, the applicant would not be eligible to apply for or receive an additional provisional license. Ultimately, the Board determined that protection of the public warrants the limitation of one provisional license per applicant to ensure the citizens of this Commonwealth are receiving services from qualified and competent licensees.

Comments from IRRC

The first comment received from IRRC relates to clarity within § 42.9(a). Specifically, IRRC notes that § 42.9(a)(1) is inconsistent in its identification of types of authorizations to practice. This final-form rulemaking is amended to provide the consistency noted by IRRC. The Board also amends § 42.9(a)(i).

In its second comment, IRRC requested that the Regulatory Analysis Form (RAF) be updated to include the statutory citation to the authority of the Board to promulgate these regulations (63 P.S. § 1505(b)). This is completed as requested.

IRRC also asked the Board to address the cost of the Criminal History Record Check (CHRC) fee in the RAF. The Pennsylvania CHRC fee of \$22 and Federal Bureau of Investigation Fee of \$18 have been included in the RAF where requested. The Board is unable to determine with certainty the CHRC fees that would be assessed by other states, territories or countries.

The third item noted by IRRC references the comments submitted by the HPLC. The Board responded to the HPLC as set forth previously.

Miscellaneous Amendments for Clarity

The Board amends § 42.1. In the proposed rulemaking, the Board made a typographical error by indicating that “the following words and terms, when used in this subchapter have the following meanings, unless the context clearly indicates otherwise.” This paragraph should have referenced “chapter” instead of “subchapter.” Thus, the Board amends this paragraph to reflect “chapter.”

The Board also made a stylistic amendment by changing the term “must” to “shall” in § 42.9(a) and (a)(1)(i). The Board amends § 42.9(a)(2) to clarify the requirement that the experience required for competency must have been obtained under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions. The amendment makes clear that the Board will consider experience accumulated in more than one jurisdiction when calculating the required experience. The Board also amends § 42.9(a)(3) because the Board erroneously cited to § 42.13 (relating to application for licensure). The appropriate correlating provisions are §§ 42.24 and 42.31 (relating to code of ethics; and unprofessional conduct); therefore, the Board replaced § 42.13 with §§ 42.24 and 42.31. In doing so, the Board amends the cross references in § 42.9(a)(3) to include the subject of those provisions in the parentheticals.

The Board makes minor nonsubstantive amendments for clarity by making grammatical amendments in §§ 42.9(a)(6) and (8) and 42.10(d), and by adding § 42.10(c)(3) to clarify that expiration of a provisional license is a terminating event.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$30 application for licensure fee in § 41.17 (relating to fees) as well as the CHRC fee. Applicants must complete child abuse recognition and reporting training, as required by section 6383(b)(3)(i) of 23 Pa.C.S. (relating to education and training) of the Child Protective Services Law. There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board’s regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 5, 2022, the Board submitted a copy of the Regulatory proposed rulemaking, published at 52 Pa.B. 835 and a copy of a RAF to IRRC and to the Chairpersons of the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board provided IRRC, the SCP/PLC and the HPLC with copies of comments received as well as other documents when requested. In preparing the final-form regulation, the Board considered comments received from IRRC and HPLC. No public comments were received. The Board received no comments from the SCP/PLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on June 8, 2023, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on July 12, 2023. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 13, 2023, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Paul Keller, Board Administrator, State Board of Occupational Therapy Education and Licensure, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-OCCUPATIONAL@PA.GOV.

Findings

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

(2) A public comment period was provided as required by law, and all comments received were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 835.

(4) This final-form rulemaking is necessary and appropriate for the administration of 63 Pa.C.S. § 3111.

Order

The Board, therefore, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by amending § 42.1 and adding §§ 42.9 and 42.10, to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

(d) 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 upon publication in the *Pennsylvania Bulletin*.

KERRI HAMPLE, OTD, OTR/L,
Chairperson

(*Editor's Note:* See 53 Pa.B. 4068 (July 29, 2023) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-6713 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

GENERAL PROVISIONS

§ 42.1. Definitions.

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

* * * * *

Commissioner—The Commissioner of Professional and Occupational Affairs.

Equivalent program—A masters or certificate program in occupational therapy approved by the Board.

Jurisdiction—A state, territory or country.

Licensee—An individual who has been licensed under the act as an occupational therapist or an occupational therapy assistant.

* * * * *

LICENSURE BY ENDORSEMENT

§ 42.9. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certificate, registration or permit in good standing to practice as an occupational therapist or an occupational therapy assistant in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 8 of the act (63 P.S. § 1508) and §§ 42.11 and 42.13(a) (relating to licensure examination; and application for licensure). The following apply:

(i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by the following:

(i) Experience in the practice of occupational therapy by demonstrating, at a minimum, that the applicant has actively engaged in the licensed practice as an occupational therapist or occupational therapy assistant under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice as an occupational therapist or occupational therapy assistant under section 16(a) of the act (63 P.S. § 1516(a)) and §§ 42.24 and 42.31 (relating to code of ethics; and unprofessional conduct).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the application for licensure fee as required by § 41.17 (relating to fees).

(6) Have satisfied the professional liability requirements as required under section 8 of the act and § 42.13(b).

(7) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(8) Have completed 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request an interview by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 16(a) of the act or disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 42.10. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 42.9 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and either denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 42.9 after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

[Pa.B. Doc. No. 23-1246. Filed for public inspection September 15, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Inspections and Fees

The Department of Community and Economic Development (Department) proposes to amend §§ 145.93 and 145.94 (relating to factory inspections; right of entry; and fees) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 5 of the Industrialized Housing Act (act) (35 P.S. § 1651.5) authorizes the Department to promulgate rules and regulations to interpret and make specific the provisions of the act. As stated in section 2(5) and (6) of the act (35 P.S. § 1651.2(5) and (6)), the purpose of the act is to set uniform State standards and procedures for inspections. Section 7 of the act (35 P.S. § 1651.7) requires the Department to establish a schedule of fees reasonably related to the costs of administering and enforcing the act.

Background and Purpose of Amendments

This proposed rulemaking changes the inspection cycle for factories and manufacturing facilities with approved building system documentation from annual to biennial. The current inspection cycle was set in 1988; it must be updated for the Department to conduct inspections within its current resource constraints but without reducing the effectiveness of the Department's oversight.

In addition, this proposed rulemaking increases the fees collected from in-State manufacturers for the purchase of insignias of certification for each module of an industrialized housing and each industrialized housing component. The current fee level was set in 2004; it must be updated to help support the Department's current costs of administering and enforcing the act. The new fee level will mirror the fee level applicable to in-State manufacturers for the insignias of certification for industrialized commercial buildings, building modules and building components.

Currently, the program is solely funded by revenue generated by the sale of insignias that are purchased by the manufacturers; no other funding sources are provided to support the program. This proposed rulemaking will provide additional funding to hire more staff so the Department can meet its program obligations. Otherwise, due to the implementation of a separate program regarding commercial buildings, the Department will struggle to meet its obligations for industrialized housing with its current staff complement.

Description of Proposed Amendments

The Department proposes to amend § 145.93(b) to change the inspection cycle for factories and manufacturing facilities with approved building system documentation from at least once each year to at least once every other year.

The Department also proposes to amend § 145.94(e)(1) and (2) to increase the fees collected from in-State

manufacturers for the purchase of insignias of certification for each module of an industrialized housing and each industrialized housing component from \$40 per insignia to \$60 per insignia.

The Department further proposes to amend § 145.94(e)(2) to state that the fee payable under paragraph (2) for industrialized housing components installed in or on a single dwelling unit may not exceed \$60.

Fiscal Impact

A less frequent inspection cycle will provide a cost savings to the Department of approximately \$6,000 per fiscal year due to less frequent travel expenses. Those cost savings, along with the increase in the insignia fee collected from in-State manufacturers, will provide funding to support an additional staff member to help the Department fulfill its statutory obligations under the act.

This proposed rulemaking will help establish parity between out-of-State manufacturers and in-State manufacturers because out-of-State manufacturers currently pay \$60 per insignia and in-State manufacturers currently pay \$40 per insignia. The industrialized housing program does not receive any additional funding and is funded solely by insignia fees collected.

Based on current insignia orders, the total economic impact per fiscal year from the fee increase is projected to be an additional \$42,000 among 28 facilities (approximately \$1,500 per facility). This proposed rulemaking will have no other fiscal impact on the Commonwealth, the regulated community, the general public or local governments.

Paperwork Requirements

The Department will need to update its printed and online insignia order forms to note the fee increase. The amendments will not create additional paperwork for the regulated community, the general public or local governments.

Benefits

This proposed rulemaking will generate budgetary and staffing resources that will allow the Department to continue to carry out its responsibilities under the act without reducing the effectiveness of the program. Although the inspection cycle would be reduced from annual to biennial, the Department has instituted other methods to maintain appropriate oversight. Under § 145.91(a) (relating to reports to the Department), the Department receives monthly reports from contracted third-party agencies that conduct inspections of the manufacturers. The Department reviews those reports and follows up with the third-party agencies and manufacturers as appropriate, while still retaining the right to inspect the manufacturers directly. In addition, the Department provides training to local government employees who inspect industrialized housing and, in turn, report their findings back to the Department.

The fee increase for in-State manufacturers of industrialized housing and components is minimal, and the new fee level mirrors the level for industrialized commercial buildings, building modules and building components in this Commonwealth. The new fee level is also reasonable as compared with other states.

Affected Persons

This proposed rulemaking will affect 39 manufacturing facilities (28 in this Commonwealth and 11 outside of this Commonwealth) due to the change to the inspection cycle. In addition, the 28 facilities located in this Commonwealth will be affected by the fee increase because a \$20 fee increase in 2017 applied only to facilities located outside of this Commonwealth.

Sunset Date

The Department continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 1, 2023, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Community, Economic and Recreational Development Committee and the House Commerce Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, (71 P.S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to this proposed rulemaking within 30 days from the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking by e-mail to RA-housingstandards@pa.gov or by United States mail to Michael Moglia, Director, Housing Standards Division, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 4-100 when submitting comments.

In addition, under § 145.97 (relating to amendments to this chapter), the Department is providing separate notice of this proposed rulemaking to third-party agencies and to manufacturers with approved building system documentation. They will be invited to provide input through the public comment and public hearing process.

The Department has already sought comments and feedback informally from several large manufacturers of industrialized housing as well as third-party inspection agencies. They expressed their understanding that the proposed changes were needed to support and maintain the current program.

The Department did not consult with the Industrialized Housing Advisory Commission (Commission) in drafting or promulgating this proposed rulemaking as required by section 5(a) and section 8 of the act (35 P.S. §§ 1651.5(a)

and 1651.8), because the Commission has not been in existence since 2012. However, the Department welcomes comments from the regulated community, the general public and other interested parties through the public comment and public hearing processes.

Public Hearing

Under section 5(b) of the act, the Department will hold a public hearing for the purpose of accepting comments on this proposal. The hearing will be held on February 6, 2024, 10 a.m. to 12 p.m., in PUC Hearing Room 2, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225.

Persons wishing to present testimony at a hearing are requested to contact the Department by e-mail to RA-housingstandards@pa.gov, at (717) 720-7416, or by United States mail to Michael Moglia, Director, Housing Standards Division, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

FREDERICK C. SIGER,
Secretary

Fiscal Note: 4-100. No fiscal impact; recommends adoption.

Annex A
TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT
PART V. COMMUNITY AFFAIRS AND DEVELOPMENT
Subpart C. COMMUNITY DEVELOPMENT AND HOUSING
CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS
ADMINISTRATIVE PROVISIONS

§ 145.93. Factory inspections; right of entry.

* * * * *

(b) [*Yearly*] ***Biennial*** inspections. A factory or manufacturing facility with approved building system documentation will be inspected at least once [**each**] ***every other*** year by the Department. The inspections are to verify the effectiveness of the sponsor's quality program and compliance with approved building systems documentation.

* * * * *

§ 145.94. Fees.

* * * * *

(e) For manufacturing facilities in this Commonwealth, the insignia of certification fee is:

(1) \$[**40**] **60** per insignia for each module of an industrialized housing.

(2) \$[**40**] **60** per insignia for each industrialized housing component. The fee payable under this paragraph for industrialized housing components installed in or on a single dwelling unit may not exceed \$[**40**] **60**.

(3) \$60 per insignia for each transportable section of an industrialized building.

(4) \$60 per insignia for each industrialized building module or component. A manufacturer may request special consideration from the Department in the event the manufacturer believes that insignia placement on individual modules or components is unreasonable due to the unique scope of a particular project.

* * * * *

[Pa.B. Doc. No. 23-1247. Filed for public inspection September 15, 2023, 9:00 a.m.]

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Opioid Prescription and Education and Organ Donation Education

The State Board of Nursing (Board) proposes to amend §§ 21.131, 21.133, 21.134, 21.283, 21.284b, 21.289, 21.331, 21.605 and 21.822 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 2.1(k) of The Professional Nursing Law (63 P.S. § 212.1(k)) sets forth the Board's general rulemaking authority. Under section 9.1 of the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. § 872.9a) and 20 Pa.C.S. § 8628 (relating to requirements for physician and nurse training relative to organ and tissue donation and recovery), the Board is required to implement the mandatory education requirements.

Background and Purpose

In 2016, the Legislature amended the ABC-MAP Act (35 P.S. §§ 872.1—872.40), including the requirement imposed by section 9.1(a) of the act of November 2, 2016 (P.L. 980, No. 124) (Act 124 of 2016) on all prescribers and dispensers to obtain 2 hours of mandatory education regarding pain management or the identification of addiction, 2 hours of education in the practices of prescribing or dispensing of opioids (collectively, "opioid education") within 1 year of obtaining prescriptive authority, and an additional 2 hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. At the same time, the Legislature enacted the Safe Emergency Prescribing Act (35 P.S. §§ 873.1—873.9), the act of November 2, 2016 (P.L. 976, No. 122) (Act 122 of 2016), which imposed restrictions on certified registered nurse practitioners' (CRNP) prescription of opioid drug products to individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital. Violation of the Safe Emergency Prescribing Act subjects CRNPs to discipline.

The Board implemented Act 124 of 2016, and since January 1, 2017, the Board has required CRNPs with prescriptive authority to verify completion of the 2 hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. Generally, CRNP nursing education programs verify completion of the opioid education at the time of application. If a

prescriptive authority is issued without a verification of completion, the Board sends a letter to the CRNP reminding the CRNP that the education must be completed, and the verification submitted within 1 year from issuance of the prescriptive authority and that failure to do so may result in disciplinary action. Shortly after enactment, representatives of the Bureau of Professional and Occupational Affairs, on behalf of the impacted licensing boards, met with representatives of the Department of Health (DOH) to discuss curricula required by Act 124 of 2016. Because the opioid education required was readily available from multiple Board-approved providers and is incorporated into many CRNP nursing education programs' advanced pharmacology courses, a decision was made not to mandate a specific curriculum like what is required for the organ and tissue donation and recovery process (collectively, "organ donation"), discussed as follows. Nonetheless, for guidance, DOH has posted seven modules that fit within the mandated education on its webpage at www.health.pa.gov/topics/programs/PDMP/Pages/education.aspx.

In addition, the Legislature amended 20 Pa.C.S. §§ 8610—8632 (relating to express anatomical gifts), including the requirement imposed under 20 Pa.C.S. § 8628, added under the act of October 23, 2018 (P.L. 594, No. 90) (Act 90 of 2018), that registered nurses (RN) complete at least 2 hours of Board-approved continuing education in organ donation one time within 5 years of initial licensure or within 5 years of licensure renewal, whichever occurs first. In drafting organ donation regulations, the Board has worked with the DOH and other agencies regarding the development of an approved curriculum for continuing education in organ donation. Representatives from the DOH's Division of Nutrition and Physical Activity, Bureau of Health Promotion & Risk Reduction, Center for Organ Recovery and Education (CORE), Donate Life PA (Donate PA) and Gift of Life Donor Program (Gift of Life), organ procurement organizations (OPO) designated for the region by the United States Secretary of Health and Human Services, and Counsel for the State Board of Medicine, State Board of Osteopathic Medicine and State Board of Nursing formed a workgroup to discuss implementation of Act 90 of 2018 and the development of the required curriculum by the OPOs. Because the OPOs expect that the curriculum will be available for providers when this regulation is published as a final-form rulemaking, the Board has tied the implementation date for Act 90 of 2018 to the publication date of this regulation.

The proposed amendments are required to update the Board's existing regulations on both subjects to be consistent with the aforementioned acts.

Description of the Proposed Amendments

The Board is proposing to add §§ 21.131(a.1), 21.331(c)(6), 21.605(b) and 21.822(f) to include the requirement from Act 90 of 2018 that RNs complete at least 2 hours of Board-approved continuing education in organ and tissue donation and recovery (organ donation) one time within 5 years of initial licensure or within 5 years of licensure renewal, whichever occurs first. Specifically, under section 8 of Act 90 of 2018, RNs must complete a 2-hour course on organ donation designed to address the clinical aspects of the donation and recovery process as a condition of license renewal. The course may include information about donation of hands, facial tissue and limbs and other vascularized composite allografts. 20 Pa.C.S. § 8628. Act 90 of 2018 applies to RNs, CRNPs,

registered nurse volunteer licensees (RN-volunteer) and clinical nurse specialists (CNS). Because licensed practical nurses are not required to complete continuing education, aside from child abuse education, they were not included in Act 90 of 2018. In the future, when section 8.8 of The Professional Nursing Law (63 P.S. § 218.8) regarding licensure and regulation of certified registered nurse anesthetists (CRNA) is implemented, they too will be required to comply with this requirement. The Board is currently drafting CRNA regulations.

Proposed § 21.131(a.1)(1) (relating to continuing education) would apply to existing licensees at the time the regulation is published as a final-form rulemaking and therefore would sunset 5 years from that publication. Paragraph (2) would apply to licensees who obtain their licenses on or after the effective date and paragraph (3) would apply to licensees who reactivate expired or inactive licenses on or after the effective date.

Concomitantly, the Board proposes to add § 21.133(a.1) (relating to continuing education content) which delineates the mandatory organ donation curriculum. Unlike the opioid curriculum which is established and in use by CRNP nursing education programs, there is no established organ donation curriculum. In light of the statutory mandate and the lack of an established curriculum, the Board decided that a specific pre-approved curriculum was needed. The curriculum was jointly developed by CORE, Donate PA and Gift of Life and approved by the Board at its March 6, 2023, meeting. The curriculum is composed of six parts: an overview of the organ donation and transplantation system, the tissue donation process, the organ donation process, determining death and family communication, caring for families and organ donor management. The first part describes the National, State and local systems for organ and tissue donation. Organ transplant waiting lists will be discussed as well as transplantable organs and tissues, including vascularized composite allografts. The second part describes common applications for transplantable tissue and a framework for an effective hospital process. The third part describes commonly transplantable organs and the entire organ donation process from the initial referral to the recovery of organs. It also defines the role of the OPO and the healthcare team, including optimal practices for communication and collaboration. The fourth part describes a historical perspective for determining death and effective communication techniques to aid in family conversations. The fifth part addresses considerations for providing compassionate end of life care for families and assessing readiness for the donation conversation. It also addresses information and techniques for debunking common myths and misconceptions. The last part describes the organ donation pathways, medical assessment for eligibility and clinical management strategies for optimizing end organ function, the surgical recovery phase, and coroner/medical examiner communication. It also highlights practices for maintaining optimal communication and collaboration. Like all other providers of education, a provider of organ donation education must follow existing regulations regarding continuing education. Under subsection (a.1), a copy of the Board-approved organ donation curriculum will be posted on the Board's web site. Like with other continuing education aside from child abuse, licensees/certificate holders will only be required to submit certificates of attendance upon audit under § 21.131(c) but will be required to verify completion on their biennial renewal applications under § 21.331(c)(2) (relating to biennial renewal of certification).

Because the organ donation education is relevant to patient care and professional nursing generally, as required by § 21.131(a), the Board proposes to add organ donation content to the list of approved content in § 21.133(c)(7). Also, since this education may be required by facilities for licensees/certificate holders who work in emergency and operating rooms, the Board has not limited the amount of organ donation education that may be taken for continuing education credit so long as the mandatory 2 hours be taken within 5 years of licensure/certification for new licensees/certificate holders and within 5 years of licensure renewal for existing licensees/certificate holders as indicated in proposed §§ 21.131(a), 21.331(c)(6), 21.605(b) and 21.822(f).

Proposed § 21.134(a)(11) (relating to continuing education sources) would add the activities sponsored by OPOs designated for the region by the United States Secretary of Health and Human Services as an organ procurement organization to the list of pre-approved continuing education activities. Approved OPOs are listed on the DOH web site at <https://www.health.pa.gov/topics/programs/Organ%20Donation/Pages/Organ%20Donation.aspx>, and the United States Department of Health and Human Services Resources & Services Administration at organonor.gov.

In connection with opioid prescription by CRNPs, the Board is also proposing to amend § 21.283(b) (relating to authority and qualification for prescribing, dispensing and ordering drugs) to include the requirement from the ABC-MAP Act in proposed paragraph (4) that CRNPs who hold prescriptive authority authorizations complete 2 hours of mandatory education regarding pain management or the identification of addiction and 2 hours of education in the practices of prescribing or dispensing of opioids within 1 year of obtaining prescriptive authority. Proposed subparagraph (i) would clarify that the specified opioid education may be taken as part of a Board-approved CRNP Program, a stand-alone course from a Board-approved CRNP advanced pharmacology course provider or as part of a continuing education course from a CRNP continuing education provider. Subparagraph (ii) also clarifies that only CRNPs who hold a current Drug Enforcement Administration (DEA) registration number or utilize the DEA registration number of another person or entity are required to comply with proposed paragraph (4).

The Board is also proposing to amend § 21.283(c) by removing the biennial renewal requirements for prescriptive authority holders and replacing them with a reference to those requirements in § 21.331(c)(2) thereby eliminating the current redundancy in §§ 21.283(c) and 21.331(c). In addition to the current requirement in § 21.331(c)(2)(i) that these holders complete at least 16 hours of Board-approved continuing education in pharmacology, the Board proposes to add § 21.331(c)(2)(ii) to incorporate the mandatory 2 hours of continuing education in opioid education per biennium as a condition of prescriptive authority biennial renewal for CRNPs who hold a DEA registration or use the DEA number of another. The additional hours can be included within the mandatory 30 hours required by § 21.131(a). In recognition that CRNPs hold multiple prescriptive authorities, proposed paragraph (2)(ii) also clarifies that the opioid education need only be completed one time per biennium regardless of the number of prescriptive authority approvals being renewed.

Finally, in connection with the Safe Emergency Prescribing Act, the Board is proposing to amend CRNP

prescription requirements for controlled substances in § 21.284b (relating to prescribing, administering and dispensing controlled substances) to incorporate by reference this act's prescribing restrictions on opioid drug products for individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital by adding proposed subsection (e). In addition, the Board is proposing to add § 21.289 (relating to additional grounds for discipline) to notify CRNPs that in addition to the grounds for discipline in section 14(a) of The Professional Nursing Law (63 P.S. § 224(a)), a violation of the Safe Emergency Prescribing Act subjects a CRNP to discipline.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. RNs, CRNPs, CNSs and RN-volunteer license holders are already required to complete mandatory continuing education, and as these hours are incorporated in the existing requirement, there would be no increased burden. Also, like with other continuing education, aside from the mandatory child abuse education, licensees and certificate holders are required to keep copies of their continuing education certificates in the event of an audit.

There are no significant fiscal impact or paperwork requirements associated with the Safe Emergency Prescribing Act.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, except for § 21.131(a.1)(1), no sunset date has been assigned.

For § 21.131(a.1)(1), this provision expires 5 years from the effective date of the regulation.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 30, 2023, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly and the Governor of comments.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-5146 (Additional Continuing Education) when submitting comments.

LINDA L. KMETZ, PhD, RN,
Chair

Fiscal Note: 16A-5146. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter A. REGISTERED NURSES

CONTINUING EDUCATION

§ 21.131. Continuing education.

(a) *Requirement of continuing education.* A registered nurse seeking licensure renewal shall complete 30 hours of continuing education approved by the Board during the biennial renewal period immediately preceding the application for renewal in accordance with section 12.1 of the act (63 P.S. § 222) and this subchapter. At least 2 of the 30 hours shall be completed in approved continuing education in child abuse recognition and reporting requirements in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). The Board will not renew a license of a registered nurse who fails to verify compliance with the continuing education requirement. A registered nurse whose license is not renewed by the expiration of the biennial renewal period may not engage in the practice of professional nursing until the continuing education requirements are satisfied and the license has been renewed, reinstated or reactivated.

(*Editor's Note:* The blanks in subsection (a.1) refer to the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*. Subsection (a.1)(1) expires 5 years from the effective date.)

(a.1) Additional continuing education requirement.

(1) Effective _____ a registered nurse shall complete at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.133(a.1) (relating to continuing education content) from the sources identified in § 21.134(a)(11) (relating to continuing education sources) one time within 5 years of licensure renewal.

(2) Licensees who obtain a license on or after _____ shall verify completion of the 2 hours one time within 5 years of initial licensure.

(3) Licensees who reactivate expired or inactive licenses on or after _____ shall verify completion of the 2 hours one time within 5 years of reactivation.

(b) *Exception.* An applicant applying for initial licensure in this Commonwealth will not be required to meet the continuing education requirement on the first renewal immediately following licensure, except for the mandatory continuing education in child abuse recognition and reporting required under § 21.508(b).

* * * * *

§ 21.133. Continuing education content.

(a) Continuing education must be relevant to patient care or professional nursing in a general or specialty area and enhance the knowledge and application of the physical, social, biological and behavioral sciences.

(a.1) The continuing education required to satisfy the organ and tissue donation and recovery process in § 21.131(a.1) (relating to continuing education) consists of the following Board-approved curriculum, which is posted on the Board’s web site:

- (1) Overview of the Organ Donation and Transplantation System.
- (2) Tissue Donation Process.
- (3) Organ Donation Process.
- (4) Determining Death and Family Communication.
- (5) Caring for Families.
- (6) Organ Donor Management.

(b) The Board may, for any given biennial license period and with adequate notice to registered nurses, require that up to 4 hours of continuing education be completed in designated topics.

(c) Courses in areas related to the practice of professional nursing such as the following are acceptable:

* * * * *

(6) Pharmacology.

(7) Organ and tissue donation and recovery.

(d) Courses in areas impacting the practice of professional nursing, such as nursing administration, management, education, and diagnostic and procedural coding are acceptable.

* * * * *

§ 21.134. Continuing education sources.

(a) The following continuing education activities that meet the requirements of § 21.133 (relating to continuing education content) for registered nurses are approved:

* * * * *

(10) Activities approved by a Board in another jurisdiction.

(11) Activities sponsored by an organ procurement organization as defined in 20 Pa.C.S. § 8601 (relating to definitions).

(b) The Board may approve other sources of continuing education on a case-by-case basis after the provider or registered nurse seeking approval submits the following:

* * * * *

**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS
CRNP PRACTICE**

§ 21.283. Authority and qualifications for prescribing, dispensing and ordering drugs.

* * * * *

(b) To obtain prescriptive authority approval, a CRNP shall:

* * * * *

(3) Pay the fee set forth in § 21.253 (relating to fees).

(4) Complete at least 2 hours of Board-approved education in pain management or the identification of addiction and 2 hours of Board-approved education in the practices of prescribing or dispensing of opioids within 1 year of obtaining prescriptive authority approval. The following apply:

(i) The education may be taken as part of a Board-approved CRNP program posted on the Board’s web site under § 21.362(d) (relating to an-

nual report and compliance reviews; list of approved programs), a stand-alone course from a Board-approved CRNP advanced pharmacology course provider authorized under subsection (b)(1) or a continuing education course from a CRNP continuing education provider listed in § 21.334(a) (relating to sources of continuing education).

(ii) This requirement only applies to CRNPs who hold a current Drug Enforcement Administration (DEA) registration or utilize the DEA registration number of another person or entity, as permitted by law, to prescribe controlled substances in any manner.

(c) A CRNP who has prescriptive authority shall complete [at least 16 hours of Board-approved continuing education in pharmacology in the 2 years prior to the] the continuing education set forth in § 21.331(c)(2) (relating to biennial renewal of certification) as a condition of biennial renewal [date of the certification. The CRNP shall verify completion of the continuing education when submitting a biennial renewal].

§ 21.284b. Prescribing, administering and dispensing controlled substances.

* * * * *

(d) Compliance with this section will not be treated as compliance with the standards of acceptable and prevailing practice as a CRNP when medical circumstances require that the CRNP exceed the requirements of this section.

(e) A CRNP shall comply with the prescribing requirements for opioid drug products for individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital under the Safe Emergency Prescribing Act (35 P.S. §§ 873.1—873.9).

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

§ 21.289. Additional grounds for discipline.

In addition to the grounds set forth in section 14(a) of the act (63 P.S. § 224(a)), a CRNP who fails to comply with the Safe Emergency Prescribing Act (35 P.S. §§ 873.1—873.9) shall be subject to disciplinary action.

MAINTENANCE OF CERTIFICATION

§ 21.331. Biennial renewal of certification.

* * * * *

(c) As a condition of biennial renewal, a CRNP shall:

(1) Renew the CRNP’s registered nurse license.

(2) Verify completion of a minimum of 30 hours of Board-approved continuing education in the 2 years prior to renewal, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). As a condition of biennial renewal of prescriptive authority approval, in the 2 years prior to the biennial renewal date of the certification, a CRNP shall [complete a minimum of] also verify completion of:

(i) At least 16 [of the 30] hours of Board-approved continuing education in pharmacology [in the 2 years prior to renewal].

(ii) At least 2 hours of Board-approved continuing education in pain management, the identification of addiction or the practices of prescribing or dispensing opioids, in the 2 years prior to renewal if the licensee is renewing a prescriptive authority approval and holds a current Drug Enforcement Administration (DEA) registration or is utilizing the DEA registration of another. If required, this education shall be completed once per renewal regardless of the number of prescriptive authority approvals being renewed.

(3) Demonstrate current National certification, if the CRNP was certified by the Board after February 7, 2005.

(4) Pay the required biennial renewal fee set forth in § 21.253 (relating to fees).

(5) Verify compliance with section 8.7 of the act (63 P.S. § 218.7) regarding liability coverage.

(Editor's Note: The blank in paragraph (6) refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin.)

(6) Effective _____, verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of certification renewal. Certificate holders who obtain certification on or after the effective date shall verify completion of the 2 hours within 5 years of initial certification.

(d) Any written communication with the Board must be typed or printed and include the CRNP's full name, including former names, the current address and certification number.

Subchapter F. VOLUNTEER LICENSES

§ 21.605. Biennial renewal.

(a) A volunteer license shall be renewed biennially on forms provided by the Board. In accordance with section 6(c) of the Volunteer Health Services Act (35 P.S. § 449.46(c)), a volunteer license holder shall comply with the applicable continuing education requirements imposed by the Board, including at least 2 hours of training in approved child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement) [.], **and if the licensee is renewing a prescriptive authority approval and holds a current Drug Enforcement Administration (DEA) registration or is utilizing the DEA registration of another, at least**

2 hours of Board-approved continuing education in pain management, the identification of addiction or the practices of prescribing or dispensing opioids, in the 2 years prior to renewal. If required, this education shall be completed once per renewal regardless of the number of prescriptive authority approvals being renewed. The applicant shall be exempt from payment of the biennial renewal fee of § 21.5, § 21.147 or § 21.253 (relating to fees), as applicable.

(Editor's Note: The blank in subsection (b) refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin.)

(b) Effective _____, verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of licensure renewal. Licensees who obtain licensure on or after the effective date shall verify completion of the 2 hours within 5 years of initial licensure.

Subchapter H. CLINICAL NURSE SPECIALISTS MAINTENANCE OF CERTIFICATION

§ 21.822. Biennial renewal of certification.

* * * * *

(e) The applicant shall remit the required renewal fee in § 21.805 (relating to fees) with the applicant's renewal application forms. Upon approval of the renewal application, the CNS will receive a certification for the current renewal period.

(Editor's Note: The blank in subsection (f) refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin.)

(f) Effective _____, verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of certification renewal. Certificate holders who obtain certification on or after the effective date shall verify completion of the 2 hours within 5 years of initial certification.

[Pa.B. Doc. No. 23-1248. Filed for public inspection September 15, 2023, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

List of Pesticides Which May be used by Medical Marijuana Growers and Processors

Under section 702(c) of the Medical Marijuana Act (35 P.S. § 10231.702(c)), the Department of Agriculture (Department) is required to annually review, update and transmit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, a list of pesticides that may be used by licensed growers and processors of medical marijuana. The following pesticide active ingredients may be used legally in the growing and processing of seeds, immature medical marijuana plants, medical marijuana plants or medical marijuana and in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—112). To qualify, products containing the following active ingredients must be registered in the Commonwealth, and labeled for use in greenhouses on unspecified food crops, unspecified herbs, or both. Commonwealth pesticide registration can be checked at <https://www.paplants.pa.gov/ProductRegFSA/BrandSearch.aspx>.

The Department evaluates potential pesticide active ingredients for inclusion on this list on an annual basis. Persons seeking review of an active ingredient for addition to this list must submit an application to the Department by June 1st of the calendar year. This submission must include the name of the active ingredi-

ent, the Environmental Protection Agency (EPA) registration number for a pesticide containing the active ingredient and a recent market label for a pesticide containing this active ingredient. This list will be reviewed and updated in September of each calendar year. Deletions of active ingredients will occur on an as-needed basis. Applications may be sent to the Department of Agriculture, Attn: Pesticide Registration, 2301 North Cameron Street, Harrisburg, PA 17110.

The Department will utilize the following criteria when evaluating active ingredients for inclusion on the list:

1. The active ingredient is in at least one EPA registered pesticide, or is exempt under section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136w(b)).
2. Pesticides containing this ingredient are labeled for unspecified food or herb crops.
3. The active ingredient is exempt from the requirements of a tolerance on all food crops.

The Department may also consider other factors, such as pyrolysis data or whether addition of an active ingredient may likely lead to widespread misuse. This notice will become effective immediately upon publication in the *Pennsylvania Bulletin*. This publication supersedes all previously published notices related to pesticide active ingredients for use by Medical Marijuana Growers and Processors.

List of Pesticide Active Ingredients Approved for Use by Medical Marijuana Growers/Processors

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
25(b)	Insecticide		Castor Oil
25(b)	Insecticide		Cedarwood Oil
25(b)	Insecticide		Cinnamon
25(b)	Fungicide, Insecticide		Cinnamon Oil
25(b)	Fungicide, Insecticide		Citric Acid
25(b)	Bactericide, Fungicide		Clove
25(b)	Insecticide		Clove Oil
25(b)	Fungicide		Corn Oil
25(b)	Insecticide		Cornmint Oil
25(b)	Insecticide		Cottonseed Oil
25(b)	Insecticide		Garlic
25(b)	Insect Repellent		Garlic Oil
25(b)	Fungicide		Geraniol
25(b)	Insecticide		Geranium Oil
25(b)	Fungicide, Insecticide		Lemon Grass Oil
25(b)	Insecticide		Peppermint Oil
25(b)	Fungicide		Potassium Sorbate
25(b)	Insecticide		Rosemary
25(b)	Insecticide		Rosemary Oil
25(b)	Fungicide, Insecticide, Miticide		Sesame Oil
25(b)	Fungicide, Insecticide		Sodium Lauryl Sulfate

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
25(b)	Insecticide		Soybean Oil
25(b)	Fungicide		Thyme
25(b)	Fungicide, Insecticide, Miticide		Thyme Oil
25(b)	Insecticide		White Pepper
Sec 3 Products	PGR		24-Epibrassinolide
Sec 3 Products	Insecticide		Azadirachtin
Sec 3 Products	Fungicide		<i>Bacillus amyloliquifaciens</i> strain D747
Sec 3 Products	Fungicide		<i>Bacillus pumilus</i> strain GHA 180
Sec 3 Products	Fungicide		<i>Bacillus subtilis</i> QST713 strain
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. aizawai
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. israelensis
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. kurstaki strain EVB-113-19
Sec 3 Products	Insecticide		<i>Beauveria bassiana</i> strain ANT-03
Sec 3 Products	Insecticide		<i>Beauveria bassiana</i> strain GHA
Sec 3 Products	Insecticide		<i>Burkholderia</i> ssp. strain A396
Sec 3 Products	Insecticide		Canola Oil
Sec 3 Products	Insect Repellent		Capsicum Oleoresin Extract
Sec 3 Products	Insecticide		<i>Chromobacterium</i> sub strain PRAA4-1 Cells
Sec 3 Products	Fungicide, Insecticide		Clarified Hydrophobic Extract of Neem Oil
Sec 3 Products	Fungicide		<i>Clonostachys rosea</i> strain J1446 (formerly known as <i>Gliocladium catenulatum</i> strain J1446)
Sec 3 Products	Fungicide		Copper Octanoate
Sec 3 Products	PGR		Cytokinin (Kinetin)
Sec 3 Products	Insecticide		Diatomaceous Earth
Sec 3 Products	PGR		Gibberellins (Gibberellic Acid)
Sec 3 Products	PGR		Harpin Alpha Beta
Sec 3 Products	PGR		Homobrassinolide
Sec 3 Products	Antimicrobial, Fungicide	Post-harvest application prohibited	Hydrogen Peroxide
Sec 3 Products	PGR		IBA (Indole-3-Butyric Acid)
Sec 3 Products	Insecticide		<i>Isaria fumosorosea</i> Apopka strain 97
Sec 3 Products	Insecticide		<i>Isaria fumosorosea</i> strain FE 9901
Sec 3 Products	Insecticide, PGR		Kaolin
Sec 3 Products	Insecticide		Mineral Oil
Sec 3 Products	Fungicide		Mono- and Dipotassium Salts of Phosphorous Acid
Sec 3 Products	Insecticide		Monopotassium Phosphate

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
Sec 3 Products	Nematicide		Myrothecium verrucaria
Sec 3 Products	Fungicide, Insecticide		Neem Oil, Cold Pressed
Sec 3 Products	Antimicrobial, Fungicide		Peroxyacetic Acid
Sec 3 Products	Fungicide		Potassium Bicarbonate
Sec 3 Products	Insecticide		Potassium Laurate
Sec 3 Products	Fungicide, Insecticide		Potassium Salts of Fatty Acids
Sec 3 Products	Fungicide		<i>Pseudomonas chlororaphis</i> strain AF5009
Sec 3 Products	Insecticide		Pyrethrins
Sec 3 Products	Fungicide		<i>Reynoutria sachalinensis</i> extract
Sec 3 Products	Molluscicide		Sodium Ferric EDTA
Sec 3 Products	Fungicide		<i>Streptomyces lydicus</i> WYEC 108
Sec 3 Products	Fungicide	Foliar spray prohibited	<i>Streptomyces</i> sp. strain K61
Sec 3 Products	Insecticide, Miticide		Sucrose Octanoate Esters
Sec 3 Products	Insecticide, Fungicide	Only EPA-registered products are approved for use on medical marijuana. Burning sulfur for pest control is prohibited.	Sulfur
Sec 3 Products	Fungicide		<i>Trichoderma asperellum</i> strain ICC 012
Sec 3 Products	Fungicide		<i>Trichoderma asperellum</i> strain T34
Sec 3 Products	Fungicide		<i>Trichoderma gamsii</i> strain ICC080
Sec 3 Products	Fungicide		<i>Trichoderma harzianum</i> Rifai strain T-22
Sec 3 Products	Fungicide		<i>Trichoderma virens</i> strain G-41

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 23-1249. Filed for public inspection September 15, 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 September 5, 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-bnbnksbmsnspspt@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
Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
08-31-2023	Elderton State Bank Elderton Armstrong County	<i>To:</i> 2014 River Road North Apollo Armstrong County <i>From:</i> 1906 River Road North Apollo Armstrong County	Accepted
09-05-2023	Reliance Savings Bank Altoona Blair County	<i>To:</i> 1300 11th Avenue Altoona Blair County <i>From:</i> 1119 Twelfth Street Altoona Blair County	Accepted

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. 23-1250. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF
BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 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 October 2023, is 6 3/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 4.30 to which was added 2.50 percentage points for a total of 6.80 that by law is rounded off to the nearest quarter at 6 3/4%.

WENDY S. SPICHER,
Acting Secretary

[Pa.B. Doc. No. 23-1251. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT

Pennsylvania Housing Advisory Committee Meeting; 2024—2028 Consolidated Plan

The Department of Community and Economic Development (Department) is preparing the Commonwealth's 2024—2028 Consolidated Plan (Plan). The Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions and to make data-driven, place-based investment decisions.

The consolidated planning process serves as the framework for a Statewide dialogue to identify housing and community development priorities that align and focus funding from the United States Department of Housing and Urban Development's Community Planning and Development formula block grant programs:

- **CDBG:** Community Development Block Grant Program
- **HOME:** HOME Investment Partnerships Program
- **ESG:** Emergency Solutions Grant Program
- **HOPWA:** Housing Opportunities for Persons with AIDS Program
- **HTF:** National Housing Trust Fund

1st Public Hearing
Tuesday, September 26, 2023
10 a.m.

The first public hearing for the Plan will be conducted electronically by means of Microsoft Teams on Tuesday, September 26, 2023, at 10 a.m. This hearing will be held virtually. Those who wish to make comment or discuss policy may participate directly from their phone, personal computer or from a public computer (for example, public library).

Individuals or organizations may give testimony or comments during this meeting. Comments will be accepted about topics related to the needs of the Commonwealth in the following areas: community development; housing including special needs; homelessness; and economic development. The Commonwealth encourages public participation in this process.

Registration is not required and individuals may join the meeting directly on Microsoft Teams at https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODhkNTBjYjctMjBhNi00MGJhLThkM2UtN2EwMWU5OTZmYmYx%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%222ed73e8d-d048-425b-93cc-055ce4231b52%22%7d. The meeting ID is 233 843 689 845. The passcode is BekcBC.

Individuals who wish to attend the meeting may join by phone at (267) 332-8737. The conference ID is 177 357 620#.

The hearing will be recorded for public record. The hearing will be shortened if there is no one to testify or there is minimal response.

Individuals who have a disability or limited English proficiency and wish to participate in the public hearing should contact David Grey, dgrey@pa.gov, (717) 214-5341 or TDD (717) 346-0308 at a minimum of 72 hours prior to the meeting to discuss how the Department accommodate their needs.

RICK SIGER,
Secretary

[Pa.B. Doc. No. 23-1252. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Designation of School Districts to Receive Duquesne City School District's Senior High School Students

The Duquesne City School District (Duquesne) eliminated its senior high school program in 2007. Section 14 of the act of July 20, 2007 (P.L. 278, No. 45) (Act 45) governed the reassignment of Duquesne's senior high school students until Act 45 was declared unconstitutional by the Commonwealth Court in 2010. In part, Act 45 authorized the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. Under Act 45, the East Allegheny School District (East Allegheny) and the West Mifflin Area School District (West Mifflin) were designated to accept Duquesne's senior high school students on a tuition basis.

Shortly after Act 45 was struck down, the act of November 23, 2010 (P.L. 1350, No. 123) (Act 123) was enacted. The enactment of Act 123 resulted in significant amendments to section 1607 of the Public School Code of 1949 (School Code) (24 P.S. § 16-1607). Section 1607 of the School Code authorizes the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. When Act 123 was enacted, East Allegheny and West Mifflin were designated to continue to accept Duquesne's senior high school students.

In 2012, Duquesne sought and received the approval of the Department of Education (Department) to alter/curtail its junior high school program (grades 7 and 8). Accordingly, East Allegheny and West Mifflin were designated to also accept Duquesne's junior high school students. The designation of East Allegheny and West Mifflin to accept Duquesne's 9–12 grade students remained unchanged.

Beginning with the 2021-2022 school year, Duquesne began to again operate a 7th grade program. Beginning with the 2022-2023 school year, Duquesne again operated an 8th grade program. However, the designation of East Allegheny and West Mifflin to accept Duquesne's 9–12 grade students remained unchanged.

For the 2023-2024 school year, the designation of East Allegheny and West Mifflin to accept Duquesne's 9–12 grade students remains. The Department provides the following information regarding the assignment of Duquesne's 9–12 grade students to East Allegheny and West Mifflin.

Assignment of Students

- Students entering grades 10, 11 or 12 shall be assigned to the same district to which they were assigned during the previous school year.
- Private, religious or charter school students who are residents of Duquesne and who wish to enroll in Duquesne and attend East Allegheny or West Mifflin must register as Duquesne students at the Duquesne Education Center to be assigned to either East Allegheny or West Mifflin.
- Students transferring into Duquesne will be given a choice between East Allegheny and West Mifflin and will be assigned to the district they choose.

Per-Pupil Tuition Rate

The per pupil tuition rate that the designated districts shall receive for the 2023-2024 school year is \$16,876.90.

DR. KHALID N. MUMIN,
Secretary

[Pa.B. Doc. No. 23-1253. Filed for public inspection September 15, 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).

Section *Category*

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

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

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

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

Section II identifies individual NPDES permit applications received and draft permits indicating DEP's tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications and draft permits, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of 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>
0913925	Joint DEP/PFBC Pesticides Permit	Renewal	Moskovitz David 910 Old Dolington Road Newtown, PA 18940-2702	Upper Makefield Township Bucks County	SERO
0913929	Joint DEP/PFBC Pesticides Permit	Renewal	Pine Run Lakeview 777 Ferry Road Doylestown, PA 18901-2102	Doylestown Township Bucks County	SERO
0916825	Joint DEP/PFBC Pesticides Permit	Renewal	The Villages of Flowers Mill 968 Daylily Drive Langhorne, PA 19047-1795	Langhorne Borough Bucks County	SERO
0921822	Joint DEP/PFBC Pesticides Permit	Amendment	Spock Robert 420 W Thatcher Road Quakertown, PA 18951-2512	Richland Township Bucks County	SERO
0923813	Joint DEP/PFBC Pesticides Permit	New	Moczydlowski Steve 849 Haycock Run Road Kintnersville, PA 18930-9431	Haycock Township Bucks County	SERO
0923816	Joint DEP/PFBC Pesticides Permit	New	Grove Valley Farm 3438 Pruss Hill Road Pottstown, PA 19464-3326	Warrington Township Bucks County	SERO
0923817	Joint DEP/PFBC Pesticides Permit	New	Johnston Wayne 1206 Diamond Street Sellersville, PA 18960-2904	Hilltown Township Bucks 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>
0923818	Joint DEP/PFBC Pesticides Permit	New	Arbours at Morgan Creek HOA 1245 Heron Court Quakertown, PA 18951-2857	Richland Township Bucks County	SERO
0923820	Joint DEP/PFBC Pesticides Permit	New	Warwick Mill HOA 27 Ryans Mill Road Jamison, PA 18929-1704	Warwick Township Bucks County	SERO
0923822	Joint DEP/PFBC Pesticides Permit	New	Glorioso Robert 1228 Township Line Road Chalfont, PA 18914-1054	Hilltown Township Bucks County	SERO
0923823	Joint DEP/PFBC Pesticides Permit	New	Colonial Woods Family Campground 545 Lonely Cottage Road Upper Black Eddy, PA 18972-9345	Nockamixon Township Bucks County	SERO
1523832	Joint DEP/PFBC Pesticides Permit	New	Elling Janet 440 Burnt Mill Road Chadds Ford, PA 19317-9261	Kennett Township Chester County	SERO
2023810	Joint DEP/PFBC Pesticides Permit	New	Mark Zadrozny 25079 Plank Road Cambridge Springs, PA 16403-2349	Venango Township Crawford County	NWRO
2313808	Joint DEP/PFBC Pesticides Permit	Renewal	Collingdale Borough Delaware County 800 Macdade Boulevard Collingdale, PA 19023-3826	Collingdale Borough Delaware County	SERO
2313823	Joint DEP/PFBC Pesticides Permit	Renewal	Gross Valetta 55 Woodridge Road Thornton, PA 19373-1088	Thornbury Township Delaware County	SERO
2523803	Joint DEP/PFBC Pesticides Permit	New	Chris Fruehlich 11466 Springfield Road Girard, PA 16417-7232	Girard Township Erie County	NWRO
3623810	Joint DEP/PFBC Pesticides Permit	New	South Laurel Pond HOA 1181 S Bristol Drive Lititz, PA 17543-8391	Manheim Township Lancaster County	SCRO
4323808	Joint DEP/PFBC Pesticides Permit	New	Regis Rinko 1139 Sunol Road Cochran, PA 16314-2931	French Creek Township Mercer County	NWRO
4613887	Joint DEP/PFBC Pesticides Permit	Renewal	The Reserve at Gwynedd 347 Primrose Drive Upper Gwynedd, PA 19446-5692	Upper Gwynedd Township Montgomery County	SERO
5823803	Joint DEP/PFBC Pesticides Permit	New	Deskiewicz Mike 8006 Glenwood Court New Tripoli, PA 18066-2955	Auburn Township Susquehanna County	NERO
6413821	Joint DEP/PFBC Pesticides Permit	Amendment	Lake Quinn Assoc Inc. P.O. Box 64 South Canaan, PA 18459-0064	South Canaan Township Wayne County	NERO
0623404	Land Application and Reuse of Sewage Individual WQM Permit	New	Burkholder Nevin Z & Stella Z 1205 Richmond Road Fleetwood, PA 19522	Maidencreek Township Berks County	SCRO
4523401	Land Application and Reuse of Sewage Individual WQM Permit	New	Lindenmere Sports & Arts Box 160A Route 715 Henryville, PA 18332	Pocono Township Monroe County	NERO
4600421	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Montgomery County SPCA 19 E Ridge Pike Conshohocken, PA 19428-2116	Upper Frederick Township Montgomery County	SERO

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>
08775-S	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Clairton City Municipal Authority Allegheny County 1 N State Street Clairton, PA 15025-2172	Clairton City Allegheny County	SWRO
3223201	Manure Storage and Wastewater Impoundments Individual WQM Permit	New	Gruppo EF Tech USA LLC 12 E 10th Street New York, NY 10003-5927	Center Township Indiana County	NWRO
0221205	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Harwick Oper Co. LLC 12601 Plantside Drive Louisville, KY 40299-6386	Springdale Borough Allegheny County	SWRO
NOEXSC268	No Exposure Certification	Renewal	Brentwood Ind Inc. 500 Spring Ridge Drive Reading, PA 19610-1069	Reading City Berks County	SCRO
NOEXSC404	No Exposure Certification	New	Saia Motor Freight Line LLC 11465 Johns Creek Parkway Suite 400 Duluth, GA 30097-1574	Allegheny Township Blair County	SCRO
PAG032237	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Harrys U Pull It 1510 E Jonathan Street Allentown, PA 18109-1528	Allentown City Lehigh County	NERO
PAG032412	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Highway Materials Inc. 402 Tatamy Road Nazareth, PA 18064-2535	Upper Nazareth Township Northampton County	NERO
PAG032414	PAG-03 NPDES General Permit for Industrial Stormwater	New	Ces Biogas LLC 4444 Westheimer Road Houston, TX 77027-4800	Foster Township Schuylkill County	NERO
PAG034065	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Patrick Ind Inc. 20 Eby Chiques Road Mount Joy, PA 17552-9335	Mount Joy Borough Lancaster County	SCRO
PAG034821	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	SOS Metals Inc. 320 State Route 54 Mount Carmel, PA 17851-2500	Mount Carmel Township Northumberland County	NCRO
PAG035037	PAG-03 NPDES General Permit for Industrial Stormwater	New	Centre Concrete Co. P.O. Box 859 State College, PA 16804-0859	White Deer Township Union County	NCRO
PAG035038	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	XPO Logistics Freight Inc. 2211 Old Earhart Road Ann Arbor, MI 48105-2963	Bradford Township Clearfield County	NCRO
PAG036562	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Carry All Products Inc. 1015 Blackstone Avenue Connellsville, PA 15425-0201	East Huntingdon Township Westmoreland County	SWRO
PAG038309	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Advanced Drainage System Inc. P.O. Box 10 22793 Route 66 Shippenville, PA 16254-0010	Shippenville Borough Clarion 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>
PAG038351	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	JJ Kennedy Inc. P.O. Box 69 Zelienople, PA 16063-0069	Paint Township Clarion County	NWRO
PAG038539	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Heniff Transportation System LLC 1569 Hooker Road Karns City, PA 16041-1517	Fairview Township Butler County	NWRO
PAG038564	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Vernon Township Crawford County	NWRO
PAG038576	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	TForce Freight Inc. 1000 Semmes Avenue Richmond, VA 23224-2246	Millcreek Township Erie County	NWRO
PAG038577	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Transflo Terminal Service Inc. 500 Water Street, J-975 Jacksonville, FL 32202	Butler City Butler County	NWRO
PAG038579	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Heath Oil Inc. P.O. Box 1128 Oil City, PA 16301-0628	Barkeyville Borough Venango County	NWRO
PAG066130	PAG-06 NPDES General Permit for Combined Sewer Systems	Renewal	Export Borough Westmoreland County 5821 Johnson Avenue Export, PA 15632	Export Borough Westmoreland County	SWRO
PAG123854	PAG-12 NPDES General Permit for CAFOs	Amendment	LHF Enterprises LLC 932 Turner Camp Road Schellsburg, PA 15559-7334	Napier Township Bedford County	SCRO
PAG123854	PAG-12 NPDES General Permit for CAFOs	Amendment	LHF Farms LLC 932 Turner Camp Road Schellsburg, PA 15559-7334	Napier Township Bedford County	SCRO
4816202	Pump Stations Individual WQM Permit	Amendment	Easton Area Joint Sewer Authority Northampton County 50A S Delaware Drive Easton, PA 18042-9405	Easton City Northampton County	NERO
6517403	Sewer Extensions Individual WQM Permit	Amendment	Westmoreland County Municipal Authority 124 Park & Pool Road New Stanton, PA 15672	Mount Pleasant Borough Westmoreland County	SWRO
2523423	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Bardwell Marjorie 2839 Hershey Road Erie, PA 16506-5002	Summit Township Erie County	NWRO
6223402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Anderson Michael K 213 Deerfield Lane Tidioute, PA 16351-6625	Deerfield Township Warren County	NWRO
WQG02022302	WQG-02 WQM General Permit	New	Deer Creek Drainage Basin Authority P.O. Box 449 Mars, PA 16046-0449	West Deer Township Allegheny County	SWRO

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

Northcentral Regional Office

PA0232319, Sewage, SIC Code 4952, **Hepler, Gail M.**, 128 Mabel Road, Ashland, PA 17921-9103. Facility Name: Gail Hepler SRSTP. This existing facility is located in Lock Haven City, **Clinton County**.

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

The receiving stream(s), West Branch Susquehanna River (WWF, MF), is located in State Water Plan watershed 9-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0276669, Storm Water, SIC Code 3086, **FXI Inc.—Archbald**, 103 Power Boulevard, Archbald, PA 18403-2012. Facility Name: Fxi Inc. This proposed facility is located in Archbald Borough, **Lackawanna County**.

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

The receiving stream(s), Lackawanna River (HQ-CWF, MF), is located in State Water Plan watershed.

5-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0276723, Storm Water, SIC Code 4215, **United Parcel Service Inc.**, 55 Glenlake Parkway, Atlanta, GA 30328-3474. Facility Name: United Parcel Service Inc. Lehigh Valley Automated Hub. This proposed facility is located in Easton City, **Northampton County**.

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

The receiving stream(s), Bushkill Creek (HQ-CWF, MF) and Shoeneck Creek (WWF, MF), is located in State Water Plan watershed 1-F and is classified for High Quality—Cold Water, Migratory Fish, Warm Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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

PA0093718, Sewage, SIC Code 8211, **Karns City Area School District**, 1446 Kittanning Pike, Karns City, PA 16041-1818. Facility Name: Sugarcreek Elementary School. This existing facility is located at 1290 State Route 268, Cowansville, PA 16218 in Sugarcreek Township, **Armstrong County**.

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

The receiving stream(s), Unnamed Tributary to Huling Run (TSF), is located in State Water Plan watershed 17-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0075 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.0075	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	8.5	XXX	17.0
Total Suspended Solids	XXX	XXX	XXX	25.0	XXX	50.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	10,000	XXX
Oct 1 - Apr 30				Geo Mean	Daily Max	
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	5.5
Nov 1 - Mar 31				2.7		
Apr 1 - Oct 31	XXX	XXX	XXX	8.1	XXX	16.2
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0240036, Sewage, SIC Code 8800, **Jack Brinling**, 7928 E Lake Road, Erie, PA 16511-1633. Facility Name: Jack Brinling SRSTP. This existing facility is located in Harborcreek Township, **Erie County**.

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

The receiving stream(s), Unnamed Stream, is located in State Water Plan watershed 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 .0004 MGD.—Limits.

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

PA0265659, Sewage, SIC Code 4952, 8800, **Clyde Roberts**, 1289 Mercer Grove City Road, Mercer, PA 16137-6243. Facility Name: Clyde Roberts SRSTP. This existing facility is located in Findley Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Pine Run (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 .0006 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

PA0265730, Sewage, SIC Code 4952, 8800, **Beth Wyszomierski**, 3819 Chewton Wurttemberg Road, Ellwood City, PA 16117. Facility Name: Beth Wyszomierski SRSTP. This existing facility is located in Wayne Township, **Lawrence 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), Duck Run (WWF), is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

PA0271675, Sewage, SIC Code 4952, 8800, **Ashley Sonney**, 10333 Lake Pleasant Road, Waterford, PA 16441. Facility Name: Ashley Sonney SRSTP. This existing facility is located in Greene Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to East Branch LeBoeuf Creek (TSF), is located in State Water Plan watershed 16-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

- Total Residual Chlorine (TRC) will be report only once a month.

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

PA0271764, Sewage, SIC Code 8800, **Aaron & Heather Sickles**, 45 E Townhall Road, Waterford, PA 16441. Facility Name: Aaron & Heather Sickles SRSTP. This existing facility is located in Summit Township, **Erie 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), Walnut Creek (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0293075, Sewage, SIC Code 8800, **David S Carnahan**, 310 Evans Road, Zelienople, PA 16063-3008. Facility Name: David Carnahan SRSTP. This proposed facility is located in Jackson Township, **Butler County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0295230, Sewage, SIC Code 4952, 8811, **James R Koehler**, 17946 State Highway 198, Saegertown, PA 16433-3640. Facility Name: James Koehler SRSTP. This proposed facility is located 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 Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0295256, Sewage, SIC Code 8800, **Jonathan Bees**, 51 Willadell Road, Transfer, PA 16154. Facility Name: Jonathan Bees SRSTP. This proposed facility is located in Delaware 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), Shenango River (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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
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

PA0033766, Sewage, SIC Code 4952, **Aqua Pennsylvania Wastewater Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402. Facility Name: North Heidelberg Sewer Co. STP. This existing facility is located in Jefferson Township, **Berks County**.

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

The receiving stream(s), Northkill Creek (CWF), is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Weekly Average	Instanta- neous Minimum	Average Monthly	Weekly Average	Instanta- neous Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	21	33	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	25	40	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	16	XXX	XXX	20	XXX	40
Total Phosphorus	0.83	XXX	XXX	1.0	XXX	2

Outfall 001 limits, continued:

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Quarterly	Weekly Average	Instanta- neous Minimum	Average Quarterly	Weekly Average	Instanta- neous Maximum
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX

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

- Reporting to DEP sludge or biosolids production and disposal
- Reporting to DEP hauled-in municipal or residual wastes

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

The EPA Waiver is in effect.

Southcentral Regional Office

PAI133514, MS4, **Silver Spring Township, Cumberland County**, 8 Flowers Drive, Mechanicsburg, PA 17050-1701.

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 Silver Spring Township, **Cumberland County**. The receiving stream(s), Trindle Spring Run (HQ-CWF, MF), Hogestown Run (CWF, MF), Unnamed Tributary of Simmons Creek (WWF, MF), Unnamed Tributary to Simmons Creek (WWF, MF), Simmons Creek (WWF, MF), Unnamed Tributary to Conodoguinet Creek (WWF, MF), and Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and is classified for High Quality—Cold Water, Migratory Fish, Warm Water Fishes, Migratory Fishes, and Cold Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

Southcentral Regional Office

PAI133523, MS4, **Terre Hill Borough, Lancaster County**, P.O. Box 250, Terre Hill, PA 17581-0250.

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 Terre Hill Borough, **Lancaster County**. The receiving stream(s), Temple Creek (CWF, MF), Unnamed Tributary to Black Creek (HQ-WWF, MF) and Unnamed Tributary to Conestoga River (WWF, MF), is located in State Water Plan watershed 7-J and 15-A and is classified for High Quality—Cold Water Fishes, Cold Water Fishes, Migratory Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

Southcentral Regional Office

PAS803504, Storm Water, SIC Code 4213, **TForce Freight Inc.**, 1000 Semmes Avenue, Richmond, VA 23224-2246. Facility Name: TForce Freight Mechanicsburg. This existing facility is located in Hampden Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Trindle Spring Run (HQ-CWF, MF), is located in State Water Plan watershed 7-B and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

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

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0285129, Sewage, SIC Code, **Consol PA Coal Co. LLC**, 275 Technology Drive, Canonsburg, PA 15317-9565. Facility Name: Bailey Mine 6 South 3 Portal. This proposed facility is located in Aleppo Township, **Greene County**.

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

The receiving stream(s), South Fork Dunkard Fork (TSF), is located in State Water Plan watershed 20-E 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 .015 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .015 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly Daily Max		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 25.0	XXX	50.0
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	16.5	XXX	33.1

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0003832, Industrial, SIC Code 2869, **INEOS Composites US, LLC**, 5200 Blazer Parkway, Dublin, OH 43017. Facility Name: Neville Island Plant. This existing facility is located in Neville Township, **Allegheny County**.

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

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

The proposed effluent limits for IMP 101 are based on a design flow of 0.320 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	30.0	60.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

The proposed effluent limits for IMP 201 are based on a design flow of 0.336 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	30.0	60.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

The proposed effluent limits for IMP 301:

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Flow (Total Volume) (M Gal)	Report	XXX	XXX	XXX	XXX	XXX
	Total Monthly					
Duration of Discharge (hours)	XXX	XXX	XXX	Report	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Benzene	XXX	XXX	XXX	XXX	XXX	0.0025
BTEX, Total	XXX	XXX	XXX	XXX	XXX	0.25

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0264113, Storm Water, SIC Code 2951, 3273, **Tresco Concrete Products Inc. Joint Client**, 415 Unity Center Road, Pittsburgh, PA 15239-3409. Facility Name: Tresco Paving Asphalt Supply. This proposed facility is located in Salem Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary to Beaver Run (HQ-CWF) and Unnamed Tributary to Thorn Run (HQ-CWF), is located in State Water Plan watershed 18-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001—004 are based on a design flow of 0 MGD.—Interim Limits.

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

The proposed effluent limits for Outfalls 001—004 are based on a design flow of 0 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Daily Maximum		
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	30.0	XXX	
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	
Oil and Grease	XXX	XXX	XXX	5.0	XXX	
Total Nitrogen	XXX	XXX	XXX	2.0	XXX	
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	
Aluminum, Total	XXX	XXX	XXX	Report	XXX	
Iron, Total	XXX	XXX	XXX	Report	XXX	
Manganese, Total	XXX	XXX	XXX	Report	XXX	

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

The EPA Waiver is in effect.

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

*Southeast Regional Office*Applicant: **Sea Horse Partners LP**

Applicant Address: 38 Thornbird Way, Newtown Square, PA 19073-2723

Application Number: **PAD150301**

Application Type: New

Municipality/County: Willistown Township, **Chester County**

Project Site Name: Sea Horse Farm—231 Spring Road

Total Earth Disturbance Area (acres): 8.307 acres

Surface Waters Receiving Stormwater Discharges: UNT to Crum Creek (EV)

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 proposes the demolition of driveways, walks, and patios existing on the site; the restoration of historic structures on the property; and the construction of a new single family residence, detached garage, driveway, walks, patios, and other associated improvements.

Special Conditions: N/A

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

*Northeast Regional Office*Applicant: **MA Bushkill Holdings, LLC, c/o Rudy Amelio**

Applicant Address: 1348 Hamilton Street, Allentown, PA 18102-4329

Application Number: **PAD480077**

Application Type: Renewal

Municipality/County: Bushkill Township, **Northampton County**

Project Site Name: Colonial Walk Estates

Total Earth Disturbance Area (acres): 6.43 acres

Surface Waters Receiving Stormwater Discharges: UNT to Bushkill 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: Development of six (6) Lots remaining in the Colonial Walk Estates subdivision along with conversion of the sediment basin to the detention basin.

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.

*Northeast Regional Office*Applicant: **Bestway Enterprises, Inc.**

Applicant Address: 387 Lurker Road, Cortland, IL 13045

Application Number: **PAD450184**

Application Type: New

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

Project Site Name: Bestway Facility Expansion

Total Earth Disturbance Area (acres): 9.4 acres

Surface Waters Receiving Stormwater Discharges: Cranberry 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: Expansion of the existing manufacturing and warehouse use. Construction of 2 storage buildings, a proposed shop, truck fueling station and a proposed office.

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.

Southeast Regional Office

Applicant: **James A Nolen III Dynasty Trust**

Applicant Address: 950 West Valley Forge Road, King of Prussia, PA 19406-4534

Application Number: **PAD230071**

Application Type: New

Municipality/County: Newtown Township, **Delaware County**

Project Site Name: Stoney Knoll

Total Earth Disturbance Area (acres): 34.07 acres

Surface Waters Receiving Stormwater Discharges: UNT to Crum 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: Land Development of 18 new residential homes on a cul-de-sac street.

Special Conditions: N/A

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

Regional Permit Coordination Office

Applicant: **Pennsylvania Turnpike Commission**

Applicant Address: 700 S. Eisenhower Blvd, Middletown, PA 17057

Application Number: **PAD150077 A-1**

Application Type: Renewal

Municipality/County: Upper Uwchlan Township, **Chester County**

Project Site Name: Replacement of Bridge EB-719 (Park Road)

Total Earth Disturbance Area (acres): 7.18 acres

Surface Waters Receiving Stormwater Discharges: 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: Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450. Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation. Project Description: Permit No. PAD150077 was issued in November 2018 for the construction of the Park Road Bridge (EB-719) over the Pennsylvania Turnpike at Milepost 310.36 in Upper Uwchlan Township, Chester County, PA. The issued permit allowed for the mitigation of volume and runoff increases by means of an infiltration basin, along with several other BMPs. The permitted infiltration basin was constructed in November 2022 and shortly thereafter, the basin was observed to not function as intended. The basin was found to be infiltrating inefficiently causing water to pond for longer than 72 hours. Additional infiltration testing was completed within the basin footprint in January 2023 and confirmed that infiltration rates were lower than what had previously been documented and an infiltration BMP would not be feasible. The amendment is to convert the infiltration basin to a MRC basin. The existing permit expires in November 2023 and is requesting to be renewed to complete the project.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-772-5987.

Southwest Regional Office

Applicant: **General Electric Company**

Applicant Address: 1 River Road, 7W-711B, Schenectady, NY 12345

Application Number: **PAD020079**

Application Type: New

Municipality/County: West Mifflin Borough, **Allegheny County**

Project Site Name: Former Training Center Site Restoration

Total Earth Disturbance Area (acres): 1.96 acres

Surface Waters Receiving Stormwater Discharges: Thompson Run (WWF)

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

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

Project Description: The project includes soil remediation activities at the General Electric Company (GE) former Pittsburgh Training Center located at 4930 Buttermilk Hollow Road in West Mifflin, PA (Parcel ID 243-P-50; GE Site) and at the Union Railroad Company, LLC (URC) property, parcel ID 237-F-390 (URC Property), which is located north of the GE Site. Soil remediation activities on both properties are being performed in accordance with USEPA approved self-implementing cleanup and disposal plans.

Special Conditions: 1.) All limitations, conditions, procedures, testing, and monitoring which is in the Soil Management Plan (SMP) and/or any Act 2 remediation plan or site characterization are to be followed. No deviation from the SMP is permitted without written authorization from the Department (DEP). i.) If contaminants or conditions with the potential to cause pollution are found during construction which are beyond the scope of the SMP or Act 2 considerations, DEP and the County Conservation District shall be notified and measures implemented to contain potential pollution sources immediately upon discovery. ii.) Any contaminated material to be transported and disposed of off-site including but not limited to pumped groundwater may require permitting with DEP's Waste Management or Clean Water programs. These permits should be anticipated and shall be secured prior to earth disturbance.

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

Southcentral Regional Office

Applicant: **Market Industrial LLC**

Applicant Address: 254 West 31st Street, 4th Floor, New York, NY 10001

Application Number: **PAD670090**

Application Type: New

Municipality/County: Springettsbury Township, **York County**

Project Site Name: Pr. Industrial Facility for Market Industrial LLC

Total Earth Disturbance Area (acres): 14.89 acres

Surface Waters Receiving Stormwater Discharges: UNT to Kreutz Creek (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: Construction of a proposed 287,000 square foot industrial building with associated parking facilities.

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: **Matrix Shippensburg Lots 11 and 12, LLC**

Applicant Address: Forsgate Drive, CN 4000, NJ 08512

Application Number: **PAD280017**

Application Type: New

Municipality/County: Southampton Township, **Franklin County**

Project Site Name: Matrix Shippensburg Lots 11 and 12, LLC

Total Earth Disturbance Area (acres): 108.2 acres

Surface Waters Receiving Stormwater Discharges: Furnace Run (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: Construction of a 900,000 square foot industrial/warehouse with truck parking, access drive, and stormwater facilities.

Special Conditions: Wetland Monitoring Criteria

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

Southcentral Regional Office

Applicant: **Rands Group LTD**

Applicant Address: 210 North 2nd Street, Dillsburg, PA 17019

Application Number: **PAD670078**

Application Type: New

Municipality/County: Carroll Township, **York County**

Project Site Name: R and S Fence Company, York Road

Total Earth Disturbance Area (acres): 9.85 acres

Surface Waters Receiving Stormwater Discharges: UNT to Dogwood Run (CWF, MF) and Dogwood Run (CWF, MF) via 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: Construction of a retail/office and assembly building for a fencing contractor.

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: **Ammon Stoltzfus**

Applicant Address: 114 Morrison Mill Road, Kirkwood, PA 17536

Application Number: **PAD670080**

Application Type: New

Municipality/County: Lower Chanceford Township, **York County**

Project Site Name: 94 Pine Grove Road

Total Earth Disturbance Area (acres): 4.38 acres

Surface Waters Receiving Stormwater Discharges: UNT to Susquehanna River (WWF, MF) via 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: Construction of a new house, barns and driveway.

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: **South Ramona 100 Real Estate, LLC**

Applicant Address: 101 South Ramona Road, Myerstown, PA 17067

Application Number: **PAD380028**

Application Type: New

Municipality/County: Jackson Township, **Lebanon County**

Project Site Name: South Ramona 100 Real Estate

Total Earth Disturbance Area (acres): 8.80 acres

Surface Waters Receiving Stormwater Discharges: UNT to Tulpehocken Creek, UNT to Tulpehocken Creek via EV Wetlands, and 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: Construction of 18 Residential Lots/Homes and associated PCSM BMPs.

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: **FirstEnergy**

Applicant Address: 2800 Pottsville Pike, Reading, PA 19612

Application Number: **PAD500021**

Application Type: New

Municipality/County: Saville Township, Tuscarora Township, Milford Township, Beale Township, Turbett Township and Granville Township, **Perry County, Juniata County and Mifflin County.**

Project Site Name: Lewistown-Hummelstown, Section 1 OPGW Replacement

Total Earth Disturbance Area (acres): 65.03 acres

Surface Waters Receiving Stormwater Discharges: UNT to Juniata River (HQ-CWF), UNT to East Licking Creek (CWF), Markee Creek (CWF), UNT to Markee Creek (CWF), Tuscarora Creek (CWF), UNT to Tuscarora Creek (CWF), UNT to Jinnie Gap Run (CWF), UNT to Panther Creek (HQ-CWF), Buffalo Creek (HQ-CWF), UNT to Buffalo Creek (HQ-CWF), Little Buffalo Creek (HQ-CWF), and UNT to Little Buffalo Creek (HQ-CWF)

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

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

Project Description: Installation of 25 miles of optical ground wire for utility maintenance.

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: **Louis Martin**

Applicant Address: 483 Old Road, East Earl, PA 17519

Application Number: **PAD360107**

Application Type: New

Municipality/County: East Earl Township, **Lancaster County**

Project Site Name: Proposed Poultry Barns for Louis Martin

Total Earth Disturbance Area (acres): 8.26 acres

Surface Waters Receiving Stormwater Discharges: UNT to Black 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: Construction of 2 poultry barns, manure stacking shed, and related appurtenances.

Special Conditions: N/A

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

STATE CONSERVATION COMMISSION
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs

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

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

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

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

ACT 38

NUTRIENT MANAGEMENT PLANS

CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Groff's Pork and Beans Farm LLC 262 Pawling Road Lewisburg, PA 17837	Union County	0	643.61	Swine	NA	Renewal
Hickory Lane Farm 230 Clarks Run Road Blain, PA 17006	Perry County	420.9	1,773.65	Swine	HQ	Renewal
Wetzel Poultry Farm 2450 Mummasburg Road Gettysburg, PA 17325	Adams County	115	405.71	Tom Turkeys	NA	New
Shadow Ridge Ram—Phil Good 2418 Bachman Road Lancaster, PA 17602	Lancaster County	156.6	1,027.05	Layers/ Heifers	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).**

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.

Application No. 1423508, Construction, Public Water Supply.

Applicant **Niagara Bottling LLC**
 Address 217 Aqua Penn Drive
 Howard, PA 16841
 Municipality Boggs Township
 County **Centre County**
 Responsible Official John Khairzada
 1440 Bridgegate Drive
 Diamond Bar, PA 91765
 Consulting Engineer Gary J Toplak
 112 Pineview Road
 Baden, PA 15005
 Application Received August 28, 2023
 Description Permitting existing facility with
 bottled water operations.

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

Contact: David Sterrett, Environmental Engineer, 814-332-6899.

Application No. 3223504, Construction/Operation, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
 Address 602 Kolter Drive
 Indiana, PA 15701
 Municipality White Township and Ernest
 Borough
 County **Indiana County**
 Responsible Official Marty Maschak
 Executive Director
 602 Kolter Drive
 Indiana, PA 15701
 Consulting Engineer Christopher Wharton, P.E.
 Gibson-Thomas Engineering
 1004 Ligonier Street
 Box 853
 Latrobe, PA 15650
 Application Received August 22, 2023
 Description Construct new East Pike Pump
 Station, Demolish existing East
 Pike Pump Station and Replace
 2-inch PRV in Ernest Borough
 PRV Vault.

Application No. 2023503, Construction, Public Water Supply.

Applicant **Saegertown Borough**
 Address P.O. Box 588
 Saegertown Borough, PA 16433
 Municipality Saegertown Borough
 County **Crawford County**
 Responsible Official Charles Lawrence Jr.
 Borough Manager
 P.O. Box 558
 Saegertown, PA 16433

Consulting Engineer Darren C. Pike, P.E.
 Greenman-Pedersen
 8 Gibson Street
 North East, PA 16428

Application Received August 31, 2023
 Description New Well No. 9; PFAS
 Treatment; New Water
 Treatment Plant.

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Kimberleigh Rivers, Clerical Assistant 2, 484-250-5887.

Application No. 0923514, Construction, Public Water Supply.

Applicant **Carousel Farm Education Center**
 Address 226 Grenoble Road
 Ivyland, PA 18974
 Municipality Northampton Township
 County **Bucks County**
 Responsible Official Mario LaGrotte
 226 Grenoble Road
 Ivyland, PA 18974-1200
 Consulting Engineer S & G Water Conditioning, Inc.
 P.O. Box 2868
 Warminster, PA 18974-0087

Application Received August 28, 2023
 Description Installation of Nitrate and PFAS
 removal systems.

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

Contact: RA-EPSWSDW@pa.gov.

Application No. 2623511, Construction, Public Water Supply.

Applicant **North Fayette County Municipal Authority**
 Address 1634 University Drive
 P.O. Box 368
 Dunbar, PA 15431
 Municipality Dunbar Township
 County **Fayette County**
 Responsible Official Kenny Martray
 Manager
 1634 University Drive
 P.O. Box 368
 Dunbar, PA 15431

Consulting Engineer Herbert, Rowland, and Grubic,
 Inc.
 220 West Kensinger Drive
 Suite 100
 Cranberry Township, PA 16066

Application Received September 1, 2023
 Description Application for construction of a
 replacement liner and cover for
 the Porter Hill Reservoir, as well
 as the relocation of the system
 entry point for the purposes of
 using the rehabilitated Porter
 Hill Reservoir for contact time.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG AND PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to land apply biosolids subject to certain requirements in the permit.

Individuals wishing to comment on a proposed permit are invited to submit a statement to the Field Office indicated as the office responsible within 30-days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding an application. A response should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

The application and related documents, comments received and other information on file and may be inspected and arrangements made for copying at the responsible DEP Regional Office indicated before the application.

Individuals in need of accommodations to participate in the proceedings should contact the Secretary to the Board at 717-787-3483. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984 or (800) 654-5988 (voice users).

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

Contact: Rebecca Renner, Biosolids Coordinator; 570-980-4696.

PABIG No. 4801, Robinson Septic Service, Inc., 306 Runville Road, Bellefonte, PA 16823, Walker Township, **Centre County**. Wade Robbins, 306 Runville Road, Bellefonte, PA 16823. renewal of an individual permit at the Robert A. Reese Farm, 205 Snyderstown Road, Howard, PA 16841. Application received: January 20, 2023

PABIS No. 4821, Leslie's Septic Service, 491 Yahn Rd., Galeton, PA 16922, Pike Township, **Potter County**. Lauren Hinman, 491 Yahn Rd., Galeton, PA 16922. Circle H Ranch Farm in Pike Township, **Potter County**. Special Conditions: In addition to applicable conditions of the Farm Conservation Plan, an unharvested grass or hay buffer strip, at least 15 feet wide, shall be maintained along the downslope perimeter of each field closest to Pine Creek. This buffer strip shall not be utilized for the application of treated septage. The buffer strip shall be visually monitored monthly and after, or during, major

precipitation events for evidence of runoff beyond the buffer strip. A written record of the date, time, weather conditions and observations concerning the buffer strip conditions shall be maintained and made available to the Department on request. Any evidence of treated septage runoff beyond the buffer strip shall be reported immediately to the Department by telephone and within 48 hours via e-mail. Application received: July 7, 2023.

PABIS No. 4824, Leslie's Septic Service, 491 Yahn Rd., Galeton, PA 16922, Pike Township, **Potter County**. Lauren Hinman, 491 Yahn Rd., Galeton, PA 16922, Woodcock Farm in Clymer Borough, **Tioga County**. Special Conditions: The generation, or storage, of treated septage at the Woodcock Farm is prohibited. Application received: July 7, 2023.

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.

Donald Conrad Residence, Primary Facility ID # **862565**, 157 Hemlock Road, Clearfield, PA 16830, Boggs Township, **Clearfield County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Donald Conrad, 157 Hemlock Road, Clearfield, PA 16830, submitted a Notice of Intent to Remediate. The NIR concerns the remediation of soil contaminated with heating oil. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Progress* on August 10, 2023. Application received: August 25, 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.

56 & 60 West Marshall Avenue, Primary Facility ID # **824326**, 56 & 60 West Marshall Road, Lansdowne, PA 19050, Lansdowne Borough, **Delaware County**. Kevin Davis, PE, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Mark Fuessinger, One Creative, 16 Campus Boulevard, Newtown Square, PA 19073, submitted a Notice of Intent to Remediate. Chlorinated compounds were detected in soil and groundwater at the site. The site will continue to be used for commercial/industrial purposes. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Daily Times and Sunday Times* on September 23, 2021. Application received: July 19, 2023.

Parkway Plaza, Primary Facility ID # **868172**, 120 North Adams Street, 130 North Adams Street, 329 East Gay Street, West Chester, PA 19380, West Chester Borough, **Chester County**. Stephen Huxta, Huxta Environmental LLC, 461 Merlin Road, Phoenixville, PA 19460 on behalf of Eli Kahn, 314 East Chestnut Street Associates, LP, 120 Pennsylvania Avenue, Malvern, PA 19355, submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been found to be impacted by VOCs. The proposed future use of the property will remain nonresidential. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Daily Local News* on July 7, 2023. Application received: July 14, 2023.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Waste Management Program Manager.

WMGM039SW002. Michael Brothers Mt. Pleasant LLC, 901 Horning Road, Pittsburgh, PA 15236, East Huntingdon Township, **Westmoreland County**. An application for coverage under Municipal Waste General Permit No. WMGM039SW002 at the Michael Brothers Mt. Pleasant Facility, located at 1215 Route 31 West, Mt. Pleasant, PA 15666, was received. This permit authorizes processing and beneficial use of post-consumer asphalt shingles (tear-offs) and pre-consumer asphalt shingles (i.e., imperfections, tabs, trimming scraps, etc., generated in the manufacturing of new asphalt shingles and damaged, unused shingles) as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or lime manufacturing or in the generation of electricity or steam. The processing is limited to transferring, screening, shredding, grinding, sorting and magnetic removal of ferrous metal. Application received: August 11, 2023. Deemed administratively complete: August 24, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Waste Management Program Manager.

WMGR123SW056, EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Jackson Township, **Greene County**. An application was received to modify the piping design of the EQM Marlin AST Facility under General Permit No. WMGR123SW056.

Application received: August 4, 2023. Deemed administratively complete: August 17, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

New Applications Received

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

Contact: Jonathan Adams.

Marden Environmental Transport, LLC, 87 Laurel Hill Road, Brookfield, CT 06804. **License No. PA-AH 0939.** Accepted: July 31, 2023.

Renewal Applications Received

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

Contact: Jonathan Adams.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. **License No. PA-AH 0500.** Accepted: August 2, 2023.

Miller Environmental Group, Inc., 538 Edwards Avenue, Calverton, NY 11933. **License No. PA-AH 0501.** Accepted: August 29, 2023.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

Renewal Applications Received

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

Contact: Jonathan Adams.

Hamilton Pet Meadow, Inc., 1500 Klockner Road, Hamilton, NJ 08619. **License No. PA-HC 0227.** Accepted: August 29, 2023.

Lewis Environmental, LLC, P.O. Box 639, Royersford, PA 19468. **License No. PA-HC 0280.** Accepted: August 3, 2023.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operat-

ing 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.

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.

48-00003I: Keystone Cement Co., Route 329, Bath, PA 18014-0058, East Allen Township, **Northampton County**. Application received: April 14, 2023. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval # 48-00003I to Keystone Cement Co., Route 329, Bath, PA 18014-0058, for their facility located in East Allen Township, Northampton County. The facility currently operates pursuant to a Title V Operating Permit No. 48-00003. In accordance with 25 Pa. Code § 127.450, this plan approval will be incorporated into the Title V Operating Permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*. Plan Approval No. 48-00003I is for the installation of an additional new baghouse to control existing clinker processing sources for reduced particulate loading to the existing baghouses and additional particulate control. The facility currently has a Title V Operating Permit, No. 48-00003. The project does not increase production capacity and does not trigger the requirements of 40 CFR 52.21 related to Prevention of Significant Deterioration (PSD), or those of 25 Pa. Code Chapter 127, Subchapter E related to Nonattainment New Source Review (NSR). The proposed new baghouse will collect 99.9% of particulate emissions before discharging into atmosphere. The use of baghouses capable of removing 99.9% of emissions meets Department's BAT criteria for this type of process. The company will operate the baghouse in accordance with good operating practices to assure proper operation of the system. The plan approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The existing sources which are controlled by this additional baghouse are subject to Subpart LLL National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. There are no emission increases associated with this project. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. Any person wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00003I and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments

or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Engineer Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, phone 570-826-2511 within 30 days after publication date.

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

Contact: Maryjoy Ulatowski, Chief, Source Registration, 215-685-9476.

IP23-000016: Philadelphia Water Department Northeast Water Pollution Control Plant, 3899 Richmond Street, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. Application received: January 19, 2023. The City of Philadelphia, Air Management Services (AMS) intends to issue a Plan Approval No. IP23-000016 at the Philadelphia Water Department (PWD) Northeast Water Pollution Control Plant (NE WPCP). IP23-000016 is for the installation of the following sources: three (3) 23.354 million British Thermal Units per hour (MMBtu/hr) boiler firing natural gas, one (1) 23.364 MMBtu/hr boiler firing digester gas, and two (2) 13.788 MMBtu/hr boilers firing both natural gas and No. 2 oil. The proposed boilers are replacements for six (6) existing boilers. IP23-000016 also extends the operation of one (1) 33.54 MMBtu/hr boiler and two (2) 14.27 MMBtu/hr boilers, all firing natural gas, which were permitted under Installation Permit Nos. IP23-000117, IP23-000118, and IP23-000227 as temporary replacements for the existing boilers. Both the two (2) temporary boilers and the six (6) existing boilers will be removed from the facility after the six (6) replacement boilers are installed and operational. The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements. The plan approval 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 "Northeast Water Pollution Control Plant IP23-000016" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@Phila.Gov 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.

31-03041A: New Enterprise Stone & Lime Co., Inc. Union Furnace Quarry, P.O. Box 77, New Enterprise, PA 16664, Spruce Creek Township, **Huntingdon County**. Application received: August 1, 2023. For the installation of a crushing facility at the limestone quarry. PM emissions from the crushing facility will be controlled by wet suppression. PTE for 8,760-hr operation of the facility is 12.9 tpy PM, 4.7 tpy PM₁₀, and 0.8 tpy PM_{2.5}. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed 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, and 40 CFR Part 60 Subpart OOO Standards of Performance for Nonmetallic Mineral Processing Plants. Based on these findings, the Department proposes to issue a plan approval for the 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 provisions of 25 Pa. Code Chapter 127.

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

38-03072A: Lebanon County Department of Emergency Services, 400 South 8th Street, Room 12, Lebanon, PA 17042-6794, North Cornwall Township, **Lebanon County**. Application received: May 18, 2023. For the installation of two engines to provide mission critical electric power to their new facilities at 1805 Cornwall Road. The engines will also participate in PJM's Emergency Load Response Program. The first engine (Source ID 101) is a 1,468 hp natural gas fired Caterpillar G3512 engine equipped with a 1,000 kW generator. The 4-stroke lean-burn non-emergency RICE will be equipped with a carbon monoxide (CO) oxidation catalyst and automatic air to fuel (A/F) ratio controls. The second engine (Source ID 102) is a 1,829 hp diesel fired Caterpillar C32 engine equipped with a 1,250 kW generator. The non-emergency engine is equipped with selective catalytic reduction (SCR) and a CO oxidation catalyst. Potential emissions from the project are estimated to be: 7.06 tpy CO, 7.76 tpy NO_x, 0.03 tpy PM/PM₁₀/PM_{2.5}, 0.04 tpy SO_x, 3.73 tpy VOC, and 0.71 tpy of a single HAP (formaldehyde). 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 §§ 123.13, 123.21, 127.1 and 127.12 and 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. 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 provisions of 25 Pa. Code Chapter 127.

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.

15-0094D: Metallurgical Products Company, 810 Lincoln Avenue, West Chester, PA 19381, West Goshen Township, **Chester County**. Application received: July 1, 2023. This action is for the installation of a new ETA Engineering Inc. multi-mode dust collector system, including associated auxiliary equipment and a new in-duct natural gas-fired burner (C06) at the existing copper alloying facility. The baghouse will be located at the Metallurgical Products West Chester Plant. The new baghouse is intended to replace two (2) existing baghouses (Control Device IDs C01 and C03) permitted under Synthetic Minor Operating Permit (SMOP) No. 15-00094. The new baghouse will be used to control particulate matter (PM) emissions from Source IDs 111 and 140. Post control potential to emit (PTE) particulate matter (PM) from Source IDs 111 and 140 combined is 24.04 tons per year. However, per SMOP No. 15-00094, Source ID 111 has a post-control PM emissions limit of 14.63 tons per year. PTE from the in-duct burner are as follows: 1.91 tons of NO_x per year; 3.87 tons of CO per year; 0.07 ton PM per year; and less than 1 ton per year of VOC and SO₂. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-30-00072J: Consol Pennsylvania Coal Company, LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317, Richhill Township, **Greene County**. Application received: September 8, 2014. Pursuant to 25 Pa. Code §§ 127.44—127.46, the Department intends to issue Air Quality plan approval for authorization to increase the annual raw coal throughput limitation applicable to the Consol Bailey Coal Preparation Plant ("Bailey") from 41,300,000 tons per year to 51,000,000 tons per year. Bailey is a Title V facility and a major facility for volatile organic compounds (VOCs). The proposed increase in raw coal throughput ("project") at Bailey does not involve the construction, reconstruction, or modification of any air contamination sources or controls. The emissions increases associated with the proposed project will not exceed 74.0 tpy PM₁₀, 35.0 tpy PM_{2.5}, and 27.0 tpy volatile organic compounds (VOCs). The resulting facility-wide projected actual emissions will not exceed 162.0 tpy PM₁₀, 45.0 tpy PM_{2.5}, and 256.0 tpy VOCs. The proposed Air Quality plan approval for Bailey includes conditions that specify an annual raw coal throughput limitation of 51,000,000 tons per year and additional recordkeeping requirements. Each source at Bailey affected by the proposed project is also subject to applicable requirements specified in 25 Pa. Code and 40 CFR Part 60 (Subpart A—General Provisions and Subpart Y—Standards of

Performance for Coal Preparation and Processing Plants), which include emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and Best Available Technology (BAT) and work practice requirements. These applicable requirements are specified in other air quality authorizations currently in force at Bailey which ensures compliance with 25 Pa. Code. The prior BAT determinations for the control of fugitive and point source emissions at Bailey will not change due to the project. Bailey is no longer a major stationary source under 40 CFR 52.21 related to the Prevention of Significant Deterioration (PSD) program and the proposed project is not subject to additional applicable requirements under the PSD program. Bailey remains a major facility for VOCs under 25 Pa. Code Chapter 127, Subchapter E related to Nonattainment New Source Review (NNSR), but the project neither results in a significant emissions increase nor a significant net emissions increase for VOCs, and does not subject the proposed project to additional requirements under the NNSR program. The plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval for the proposed project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To schedule an appointment to review the Air Quality plan approval application or proposed Air Quality plan approval, or to receive an electronic copy of the Department's Air Quality review memorandum or the proposed Air Quality plan approval for the proposed project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000. A file review can be scheduled through the Department's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>. A person may oppose the proposed Air Quality plan approval by filing a written protest with the Department or may submit written comments through Devin P. Tomko, P.E., Air Quality Engineer, via the U.S. Postal Service to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; via email to dtomko@pa.gov; or via fax to 412.442.4194. Each protest and set of written comments must contain the name, address, and telephone number of the person submitting the protest or comments, identification of the proposed plan approval (PA-30-00072J), and concise statements of the objections and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication. A protest to the proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). A public hearing may be held, if the Department, in its discretion, determines 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 a newspaper of general circulation in the county in which the source is located and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written requests for a public hearing should be directed to Sheri L. Guerrieri, P.E., New Source Review Chief, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, or via email to shguerrier@pa.gov.

OPERATING PERMITS

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

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

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

18-00005, Eastern Gas Transmission & Storage, Inc., 6603 West Broad Street, Richmond, VA 23230, Leidy Township, **Clinton County**. Application received: December 29, 2022. In accordance with 25 Pa. Code §§ 129.111—129.115, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT III plan and an amendment to the State Implementation Plan (SIP) for the Finnefrock Compressor Station facility located in Leidy Township, Clinton County and owned and operated by Eastern Gas Transmission & Storage, Inc. In accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to modify the facility's Title V Operating Permit. The proposed permit revision also includes applicable presumptive RACT III requirements for other existing sources at the facility. The facility is located at Finnefrock Station Lane, Renovo, PA 17764. The facility's representative to contact concerning this application is Mr. Glenn Boutillier, Environmental Specialist III, phone number is 804-356-1364. The facility's major emission sources include four natural gas-fired Ajax boilers with Btu input ratings of 2.75 million, 2.5 million and two at 4.2 million Btu per hour, one 1,100 brake-horsepower natural gas-fired Ingersoll Rand model KVG-ML compressor engine, one 4,000 brake-horsepower natural gas-fired Cooper model 10V-275C2 compressor engine, one 6,000 brake-horsepower natural gas-fired Cooper model 12W-330C2 compressor engine, one 4,200 brake-horsepower natural gas-fired Dresser-Rand model TCV-10 compressor engine, one 16,000 brake-horsepower natural gas-fired Solar Mars model 100 turbine engine and one 11,026 brake-horsepower natural gas-fired Solar Taurus model 70M turbine engine along with two emergency generator engines and several storage tanks for lubricating oils, ethylene glycol and waste fluids. The facility has the potential to emit 275.3 tons of nitrogen oxides (NO_x) per year, 241.84 tons of carbon monoxide (CO) per year, 4.86 tons of sulfur oxides per year (SO_x), 18.87 tons of particulate matter (PM/PM₁₀) per year, 32.34 tons of hazardous air pollutants (HAPs) per year and 155,430 tons of greenhouse gases (GHGs) per year. The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT III approval for the facility, which are intended to satisfy the requirements for the 2015 National Ambient Air Quality Standard (NAAQS) for ozone. The proposed amendments to the RACT III determinations, if finally approved, will be incorporated into a revised operating permit (18-00005) for the facility. The relevant RACT III requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT III determination will be excluded from the SIP submittal; this includes the provisions of the

Department's presumptive RACT III requirements in accordance with 25 Pa. Code § 129.112, as they apply to existing sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. The following is a summary of the proposed amendments to the RACT III determination for this operation that will be submitted to the EPA as a SIP revision:

- Source P104 (Engine No. 4) hours of operation shall not exceed 4,000 in any twelve consecutive month period.
- The company will be required to keep records of the hours of operation of Source P104 on a monthly basis and submit semi-annual reports verifying compliance with the limitation.
- Source P105 (Engine No. 5) hours of operation shall not exceed 2,800 in any twelve consecutive month period.
- The company will be required to keep records of the hours of operation of Source P105 on a monthly basis and submit semi-annual reports verifying compliance with the limitation
- Source P106 (Engine No. 6) hours of operation shall not exceed 8,000 in any twelve consecutive month period.
- The company will be required to keep records of the hours of operation of Source P106 on a monthly basis and submit semi-annual reports verifying compliance with the limitation

A public hearing will be held if requested by November 1, 2023, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on November 1, 2023, at 1:00 PM at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Megan Lehman at 570-327-3659. The last day to pre-register to speak at a hearing, if one is held, will be October 25, 2023. Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.dep.pa.gov/About/Regional/North-central-Regional-Office/Community-Information/Pages/default.aspx>. Please contact Megan Lehman at 570-327-3659 or monitor the Web site to determine if a hearing will be held. Persons wishing to present testimony at the hearing should contact Megan Lehman at 570-327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Muhammad Q. Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Muhammad Q. Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. A 30-day comment

period from the date of this notice 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 RACT III Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT III Plan. All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3636. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Megan Lehman at 570-327-3659 or the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

OPERATING PERMITS

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

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

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

19-00015, HRI, Inc., 1750 West College Avenue, State College, PA 16801, Hemlock Township, **Columbia County**. Application received: November 14, 2022. The Department intends to issue a renewal State Only Permit for the Bloomsburg asphalt plant. The facility's main sources include one (1) 250-ton per hour batch asphalt plant. The subject facility has the following potential emissions: 42.93 TPY of CO; 18.90 TPY of NO_x; 45.90 TPY of SO_x; 2.65 TPY of PM/PM₁₀; 18.03 TPY of VOC; 10,032 TPY of CO_{2e} and 2.09 TPY of total HAPs. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the New Source Performance Standards Subpart I sections 60.90—60.93. The State Only Permit renewal contains all applicable requirements including the testing, monitoring, recordkeeping, reporting, work practice other compliance conditions as necessary to verify compliance with the applicable requirements as derived from the PA DEP air quality rules and regulations under 25 Pa. Code Article III, Chapters 121 and 145, relating to Air Resources. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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.

36-03080, Rohrer's Quarry Lititz, 70 Lititz Road, P. O. Box 365, Lititz, PA 17543, Warwick Township, **Lancaster County**. Application received: April 27, 2023. To issue a State-Only Operating Permit for operation of their quarry and stone crushing facility. The subject facility has the potential-to-emit 29.23 tpy PM, 10.89 tpy PM₁₀ and 0.81 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. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63 and 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

06-03079, DS Smith Packaging, 100 Grace Street, Reading, PA 19611, City of Reading, **Berks County**. Application received: February 23, 2023. To issue a State Only Operating Permit for the corrugated fiber products. The potential emissions from the facility are estimated at 46 tpy of NO_x, 77 tpy of CO, 7 tpy of PM, 9 tpy of VOC and less than a ton of other pollutants. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart Dc and 40 CFR 63, Subpart ZZZZ.

28-03012, Hartman Snack Group, Inc./Gibble Foods, 6647 Molly Pitcher Hwy, Chambersburg, PA 17202, Antrim Township, **Franklin County**. Application received: April 29, 2023. For operation of a potato chip manufacturing facility. The facility potential emissions are 5.82 tons of CO, 10.09 tons of NO_x, 3.17 tons of PM, 0.01 ton of SO_x, and 0.86 ton 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.

23-00102, Brandywine Veterinary Hospital, 1270 Baltimore Pike, Chadds Ford, PA 19317, Chadds Ford Township, **Delaware County**. Application received: March 15, 2023. This action is a renewal of a State Only Natural Minor Operating Permit. Potential emissions at the facility are as follows: 0.49 ton per year of Nitrogen Oxides (NO_x); 0.49 ton per year of volatile organic compounds (VOC); 1.64 tons per year of carbon monoxide (CO); 1.15 tons of particulate matter (PM) and 0.41 ton per year of sulfur oxides (SO₂). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

46-00190, Dickson Investment Hardware, 386 East Church Road, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Application received: October 5, 2022. This action is for the renewal of the Natural Minor Operating Permit for the operation of two (2) burn off ovens, one (1) emergency engine at an existing small steel foundry. The annual facility-wide potentials to emit are less than 25 tons VOC and NO_x and any combination HAP, less than 10 tons of any individual HAP, and less than 100 tons of PM; therefore,

the facility is categorized as a natural minor facility. The NESHAP requirements of 40 CFR Part 63 Subpart ZZZZZ (Iron and Steel Foundries Area Sources) are included with the renewal permit. The permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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. 56773708. Miller Springs Remediation Management, Inc., 5 Greenway Plaza, Suite 110, Houston, TX 77046, Conemaugh and Tire Hill Townships, **Somerset County**. To revise the permit for post-mining reclamation for full removal of refuse. Application received: July 13, 2023. Accepted: August 22, 2023.

Mining Permit No. 11051301. NPDES No. PA0235652. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Cresson, Allegheny, Munster and Washington Townships; Cresson and Sankertown Boroughs, **Cambria County**. To revise the permit and related NPDES permit for the addition of the Lower Kittanning Coal Seam to the existing Subsidence Control Plan Area. Application received: July 7, 2023. Accepted: August 23, 2023.

CORRECTION—previously published on August 26, 2023

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Aleppo Townships, **Greene County**. To revise the permit and related NPDES permit to revise alignments of 10L-4 and 11L-4 borehole access roads, affecting 3.4 proposed surface acres. Application received: July 28, 2023. Accepted: August 8, 2023.

CORRECTION—previously published on August 26, 2023

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Morris Townships, **Greene and Washington Counties**. To revise the permit and related NPDES permit for installation of degas boreholes, affecting 8.5 proposed surface acres. Application received: July 13, 2023. Accepted: August 7, 2023.

Mining Permit No. 11031301. NPDES No. PA0235539. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Jackson, Cambria, Croyle and Summerhill Townships, **Cambria County**. To renew the permit and related NPDES permit. Application received: July 28, 2023. Accepted: August 30, 2023.

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

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

Mining Permit No. 56920114. NPDES No. PA0212334. J & J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, Southampton Township, **Somerset County**. Permit transfer from Mountaineer Mining Corp., 1010 Garrett Shortcut Road, Berlin, PA 15530, for continued operation and restoration of a bituminous surface and auger mine affecting 278.5 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Run, Jennings Run & unnamed tributaries to Jennings Run classified for the following use: CWF. Application received: August 29, 2023.

Mining Permit No. 32230101. NPDES No. PA0279889. Simkol Corporation, 550 Beagle Road, Rockwood, PA 15557, Young Township, **Indiana County**. Commencement, operation and restoration of a bituminous surface mine affecting 22.8 acres. Receiving streams: Nesbit Run to Blacklegs Creek, classified for the following use: CWF & CWF. Application received: August 29, 2023.

Mining Permit No. 32831602. NPDES No. PA0214515. General Trade Corporation, 745 Power Plant Road, New Florence, PA 15944, West Wheatfield Township, **Indiana County**. Renewal to the NPDES permit and mining activity permit for The Central Prep Plant affecting 28.3 acres. Receiving streams: Unnamed Tributary to Conemaugh River classified for the following use: CWF. Application received: September 5, 2023.

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

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

Mining Permit No. 33110101. MSM Coal Company, Inc., P.O. Box 243, DuBois, PA 15801, Beaver Township, **Jefferson County**. Revision to an existing bituminous surface mine to include a post mining land use change from "Forestland" to "Unmanaged Natural Habitat" on the Kenneth Raybuck and Janet McBride properties. Receiving streams: Unnamed tributary No. 1 to Reitz Run, classified for the following use: CWF. Application received: August 25, 2023.

Noncoal Applications

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

Table 2

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

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. 31180301. NPDES No. PA0279668. U.S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17042, Brady Township, **Huntingdon County**. Renewal of NPDES permit affecting 85.5 acres. Receiving stream: Mill Creek, classified for the following uses: TSF & MF. Application received: August 29, 2023.

Mining Permit No. 56230801. PAM423001-GP104. Griffith Excavation, Inc., 152 Blough Road, Boswell, PA 15531, Jenner Township, **Somerset County**. Commencement, operation and restoration of a small noncoal (industrial minerals) operation Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104). Receiving streams: Stonycreek River classified for the following use: CWF. Application received: September 1, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 6575SM5. NPDES Permit No. PA0225789. Heidelberg Materials US Cement, LLC, 7660 Imperial Way, Allentown, RI 18195, Ross Township, **Monroe County**. Renew NPDES Permit on a quarry operation affecting 37.4 acres. Receiving stream: Aquashicola Creek, classified for the following uses: HQ-CWF, MF. Application received: August 23, 2023.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

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

NPDES No. PA0235571. Mining Permit No. 17031301. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Burnside Township, **Clearfield County.** Application received: July 12, 2021. Accepted: September 8, 2021.

To revise the permit and related NPDES permit to add outfall 004 in Burnside Township, Clearfield County, affecting 56.5 surface acres and 5,382.0 underground acres. Receiving stream(s): Unnamed Tributary ("A") Kilns Run, classified for the following use: CWF. West Branch Susquehanna River Watershed TMDL.

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

The proposed effluent limits for Outfall 004 discharging to Unnamed Tributary ("A") Kilns Run are:

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)	-	-	-	Report
Iron (mg/l)	-	1.5	3.0	3.8
Manganese (mg/l)	-	1.0	2.0	2.5
Aluminum (mg/l)	-	0.75	0.75	0.75
Suspended Solids (mg/l)	-	35	70	90
pH (s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃ (mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃ (mg/l)	-	-	-	Report
Alkalinity, Net (mg/l)	0.0	-	-	-
Osmotic Pressure (mOs/kg)	-	-	-	Report
Total Dissolved Solids (mg/l)	-	2,000	4,000	5,000
Sulfate (mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

Noncoal NPDES Draft Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0226360. Mining Permit No. 13760301. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Towamensing Township, **Carbon County.** Application received: December 12, 2022.

NPDES permit affecting 137.5 acres. Receiving stream: Buckwa Creek, classified for the following uses: HQ-CWF, MF.

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

The following treated wastewater outfalls discharge to Buckwa Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate (MGD)</i>
001	Existing	TFO	0.04

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Contact: Jared Jacobini, Aquatic Biologist 1, 570-327-3707.

E4704223-003. Mahoning Township, 849 Bloom Rd, Danville, PA 17821, Mahoning Township, **Montour County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 1, 2023.

Mahoning Township is applying to regrade and reshape 210 linear feet of Blizzards Run as noted to remove accumulated sediment within the channel. The proposed work implies that the capacity of the channel to be impaired and the project will alleviate nuisance flooding from the channel overtopping. The alternatives analysis states a no build option does not provide a more defined flood bench needed to eliminate secondary overflow channels occurring via erosion and not meet the goals of the project. No proposed stability within the channel or on the banks of the project reaches are proposed within the application. Blizzards Run is designated under Chapter 93 as Cold Water-Migratory Fish. Latitude: 40°, 58', 0"; Longitude: -76°, 36', 9".

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.

E4002223-018. Bridging Pennsylvania Developer I, LLC, Nova Tower 1, Suite 300, 1 Allegheny Square East, Pittsburgh, PA 15212-5318, White Haven Borough, **Luzerne County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 18, 2023.

To authorize the following water obstructions and encroachments associated with the SR 0080 Sec 08B bridge replacement project: 1. To remove the existing Eastbound structure and to construct and maintain a 4-span continuous steel girder bridge having a span of 855-foot, width of 56.0-foot and approximate minimum underclearance of 36.56-foot. Structure will be shifted approximately 56 feet south. 2. To remove the existing Westbound structure and to construct and maintain a 4-span continuous steel girder bridge having a span of 770-foot, width of 44.0-foot and approximate minimum underclearance of 36.56-foot. 3. To extend an existing stream enclosure by adding 31.5-foot to an existing 12-foot by 6-foot concrete box culvert for a total length of 274.5-foot carrying Tributary Lehigh River. The project is located at SR 008 Segment 2728 Offset 0000 Eastbound and SR 0080 Segment 2729 Offset 0000 Westbound crossing of Lehigh River (HQ-CWF, MF) in White Haven Borough, Luzerne County. (White Haven, PA Quadrangle, Latitude: 41.055875; Longitude: -75.770622). The project occurs in both Luzerne and Carbon Counties and is associated with Permit E1302223-003.

E4002223-017. Bridging Pennsylvania Developer I, LLC, Nova Tower 1, Suite 300, 1 Allegheny Square East, Pittsburgh, PA 15212-5318, Black Creek Township, Nescopeck Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 16, 2023.

To authorize the following water obstructions and encroachments associated with the SR 0080 Sec 352 bridge replacement project: 1. To remove the existing Eastbound structure and to construct and maintain a 4-span prestressed bulb tee beam bridge having a span of 518-foot, width of 73.5-foot and approximate minimum underclearance of 36.56-foot. 2. To remove the existing Westbound structure and to construct and maintain a 4-span prestressed bulb tee beam bridge having a span of 472-foot, width of 57.5-foot and approximate minimum underclearance of 36.56-foot. The project is located at SR 008 Segment 2504 Offset 1414 Eastbound and SR 0080 Segment 2505 Offset 491 Westbound crossing of Nescopeck Creek (TSF, MF) in Black Creek Township and Nescopeck Township, Luzerne County. (Berwick PA Quadrangle, Latitude: 41.007445; Longitude: -76.164480).

E1302223-003. Bridging Pennsylvania Developer I, LLC, Nova Tower 1, Suite 300, 1 Allegheny Square East, Pittsburgh, PA 15212-5318, East Side Borough, Kidder Township, **Carbon County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 18, 2023.

To authorize the following water obstructions and encroachments associated with the SR 0080 Sec 08B bridge replacement project: 1. To remove the existing Eastbound structure and to construct and maintain a 4-span continuous steel girder bridge having a span of 855-foot, width of 56.0-foot and approximate minimum underclearance of 36.56-foot. Structure will be shifted approximately 56 feet

south. 2. To remove the existing Westbound structure and to construct and maintain a 4-span continuous steel girder bridge having a span of 770-foot, width of 44.0-foot and approximate minimum underclearance of 36.56-foot. 3. To extend an existing stream enclosure by adding 31.5-foot to an existing 12-foot by 6-foot concrete box culvert for a total length of 274.5-foot carrying Tributary Lehigh River. The project is located at SR 008 Segment 2728 Offset 0000 Eastbound and SR 0080 Segment 2729 Offset 0000 Westbound crossing of Lehigh River (HQ-CWF, MF) in East Side Borough and Kidder Township, Carbon County. (White Haven, PA Quadrangle, Latitude: 41.055875; Longitude: -75.770622). The project occurs in both Luzerne and Carbon Counties and is associated with Permit E4002223-018.

E5402223-005. Port Carbon Borough, 301 First Street, Port Carbon, PA 17965, Port Carbon Borough, Palo Alto Borough, **Schuylkill County**. U.S. Army Corps of Engineers Philadelphia District. Application received: July 24, 2023.

To construct and maintain the following water obstructions and encroachments associated with the Mill Creek and Schuylkill River Bypass Project: 1) An intake along the bank Mill Creek (CWF, MF) consisting of a 1,493-ft long, 35-ft wide, 5-ft high concrete box culvert with a concrete headwall, concrete weir, and R-8 riprap. 2) A stream enclosure of Mill Creek (CWF, MF) consisting of a 1,493-ft long, 35-ft wide, 5-ft high concrete box culvert having a 1% longitudinal slope, concrete headwalls, and R-8 riprap on the upstream and downstream ends of the enclosure. 3) An outfall along the bank of the Schuylkill River (CWF, MF) consisting of a 35-ft wide, 5-ft high concrete box culvert and R-8 riprap apron. The intake portion of the culvert is located in Mill Creek, approximately 250-ft west of the intersection of Canal Street and Rose Avenue. The outfall portion of the culvert is located in the Schuylkill River, approximately 750-ft north of intersection of East Bacon Street and George Street (Pottsville, PA Quadrangle Latitude: 40° 41' 41.01"; Longitude: -76° 10' 10.46") in Port Carbon Borough and Palo Alto Borough, Schuylkill County.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E6106223-001. Department of Conservation and Natural Resources, P.O. Box 8451, Harrisburg, PA 17105, Cornplanter Township, **Venango County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 5, 2023.

To construct and maintain a ten feet wide, paved, grade bicycle trail with associated stormwater management facilities consisting of the replacement of three stream culverts, installation of two stormwater culverts, tree clearing, and minor grading in Oil Creek State Park, Cornplanter Township, Venango County directly impacting three unnamed tributaries to Oil Creek, the floodway and flood plain of Oil Creek, and three wetlands totaling approximately 0.01 acre of permanent stream impact, 0.01 acre of permanent wetland impacts, and 0.97 acre of permanent floodway impact while temporarily impacting 0.02 acre of stream, 0.01 acre of wetland, and 0.27 acre of floodway. Latitude: 41.511561°, Longitude: -79.679804°.

E4306223-002. Combined Systems Inc., 388 Kinsman Road, Jamestown, PA 16134, Greene Township, **Mercer County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 20, 2023.

Applicant is seeking after-the-fact permit coverage for one existing 36-inch culvert that crosses an unnamed tributary to Sugar Creek, one existing 48-inch culvert that crosses Sugar Creek, and one existing ford that crosses an unnamed tributary to Sugar Creek. Latitude: 41.47403°, Longitude: -80.48064°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E3803223-002. North Lebanon Township, 725 Kimmerlings Road, Lebanon, PA 17046, North Lebanon Township, **Lebanon County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 30, 2023.

To 1) restore approximately 2,150 linear feet of the shoreline around the lake, 2) maintain an existing 48" and two 24" CMPs, 3) remove an existing small island and diving pier and providing project signage. All impacts are for the purpose of improving the park for recreation and safety. The project is located at Lion's Lake in North Lebanon Township (Latitude: 40.358, Longitude: -76.453) There are no impacts to wetland areas or streams on the site proposed.

E0503121-002. PA Department of Transportation Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648, East Saint Clair Township, and West Saint Clair Township, **Bedford County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 24, 2021.

To remove existing structures and to 1) install and maintain a 98-inch x 63-inch culvert with 1-foot uniform depression in UNT Barfoot Run (WWF, MF), 2) repair an existing bridge over Barefoot Run (WWF, MF), 3) repair an existing bridge over Dunning Creek (WWF, MF) and 4) install two rock veins and perform stream remediation in Barefoot Run (WWF, MF). This is for the purpose of improving transportation safety in East and West Saint Clair Townships, Bedford County (40.1683°, -78.5946°). The project proposes to permanently impact 140 linear feet of stream channel with 126 linear feet of temporary stream channel impacts.

E5003223-002. Susquehanna Crossing, MRPI Amity Hall, LLC, 509 South Exeter Street, Baltimore, MD 21202, Watts Township, **Perry County**. U.S. Army Corps of Engineers Baltimore District. Application received: May 18, 2023.

To 1) permanently fill 264 linear feet of UNT to the Susquehanna River (WWF, MF) in the western portion of the site. 2) 20 linear feet of impact to the Susquehanna River (WWF, MF) in the southern portion of the site for the installation of a stormwater outfall. Ninety-one linear feet of stream will also be temporarily impacted. 3) permanently impact approximately 80 linear feet of two UNT to Susquehanna River and their floodways by installing a sanitary sewer force main and water main. All proposed work is for the purpose of constructing two warehouse buildings totaling approximately 1,947,088 square feet. The project site is bordered by Amity Road to the north, US-22 and US-322 to the west, and US-11 and US-15 to the south and east, with Taylor Road laterally bisecting the site. (Latitude: 40.431505, Longitude: -77.0039). There are no wetland impacts proposed.

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

Contact: Dana Drake, Program Manager.

E0205223-008. Atlantic Industrial Space, LLC, 696 McKeesport Road, Elizabeth, PA 15037, Elizabeth Township and Lincoln Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 7, 2023.

The applicant proposes to: Construct and maintain driveway improvements, including a low flow 4 feet by 2 feet box culvert in Wylie Run (WWF). For the purpose of crossing Wylie Run, to reach the property recently purchased by Atlantic Industrial Space, LLC. The project will permanently impact 34 LF of Wylie Run (or 0.016 acre), and 0.026 acre of the floodway, and will have 0.026 acre of temporary stream impact and 0.044 acre of temporary floodway impact. The project site is located midway between the Monongahela River and Lincoln Blvd (Elizabeth, PA USGS Glassport topographic quadrangle; Sub-basin 19) Latitude: 40° 16' 51", Longitude: -79° 52' 34".

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.

D45-322EA. Foster Schaffer, Pennsylvania Game Commission, 2001 Elmerton Ave., Harrisburg, PA 17110, Tunkhannock Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 30, 2023.

Applicant proposes to remove the Dilldown Dam to eliminate a threat to public safety and to restore approximately 200 feet of stream channel to a free-flowing condition. The project is located across Dilldown Creek (HQ-CWF) (Blakeslee, PA Quadrangle, Latitude: 41.0345, Longitude: 75.5460).

D15-406EA. Scott Bush, Open Land Conservancy of Chester County, 410 Eagleview Blvd., Exton, PA 19341, Tredyffrin Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 29, 2023.

Applicant proposes to remove the Lorimer Reserve Upper Pond Dam to eliminate a threat to public safety and to restore approximately 140 feet of stream channel to a free-flowing condition. The proposed restoration project includes sediment removal within the limits of the impoundment and proposes grading of the stream channel in the historic alignment. The project is located across a tributary to Valley Creek (EV, MF) (Valley Forge, PA Quadrangle, Latitude: 40.0707, Longitude: 75.4898).

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

EA2506223-001. U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207, City of Erie, **Erie County**. U.S. Army Corps of Engineers Buffalo District. Application received: May 9, 2023.

The U.S. Army Corp of Engineers is seeking Water Quality Certification under Section 401 of the Federal Clean Water Act to dredge and discharge material from the Federal navigation channels of the Erie Harbor in order to maintain sufficient depth for the passage of deep-draft commercial vessels. The proposal involves removing approximately 250,000 cubic yards of material from Erie Harbor Federal navigation channels and placing the material at the existing, authorized one-mile square open-lake discharge area in Lake Erie within Pennsylvania waters. The project is anticipated to occur between June 15 and September 15, 2024. The proposed dredging is located within the Erie Harbor including the Entrance Channel, Harbor Basin, Approach Area, and two Harbor Areas. The proposed discharge location is three and one-third miles from the Erie Harbor Pierhead light at an azimuth of 0009°00' within open waters of Lake Erie, (USGS Quadrangle Erie North-PA). Latitude: 42.140203118255144°, Longitude: -80.11592313241843°.

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>
PA320001D	Chapter 102 Individual NPDES Permit	Issued	New Leaf Energy, Inc. 55 Technology Drive Suite 102 Lowell, MA 01851	Green Township Indiana County	NWRO
PAD060080	Chapter 102 Individual NPDES Permit	Issued	Wise Galen L 915 Greenville Road Denver, PA 17517-9402	Penn Township Berks County	SCRO
PAD070031	Chapter 102 Individual NPDES Permit	Issued	Sheetz Inc. 242 Sheetz Way Claysburg, PA 16625-8345	Greenfield Township Blair County	SCRO
PAD100005	Chapter 102 Individual NPDES Permit	Issued	Maronda Homes Inc. 11 Timberglen Drive Imperial, PA 15126-9267	Buffalo Township Butler County	NWRO
PAD100021	Chapter 102 Individual NPDES Permit	Issued	Buffalo Township Municipal Authority 707 South Pike Road Sarver, PA 16055	Buffalo Township Butler County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD130042	Chapter 102 Individual NPDES Permit	Issued	Beltzville Enterprises LLC 7355 Interchange Road Lehigh, PA 18235-5436	Lower Towamensing Township Carbon County	NERO
PAD160007	Chapter 102 Individual NPDES Permit	Issued	Modern Living Solutions 92 Modern Solutions Ways Knox, PA 16232	Knox Borough Clarion County	NWRO
PAD360065	Chapter 102 Individual NPDES Permit	Issued	Warwick School District 301 W Orange Street Lititz, PA 17543-1814	Lititz Borough Lancaster County	SCRO
PAD390058	Chapter 102 Individual NPDES Permit	Issued	Primo Enterprises LP 2100 Hoover Avenue Allentown, PA 19109	Hanover Township Lehigh County	NERO
PAD390064	Chapter 102 Individual NPDES Permit	Issued	Brookshire Partners LP 409 Stenton Avenue Flourtown, PA 19031-1327	Upper Milford Township Lehigh County	NERO
PAD390270	Chapter 102 Individual NPDES Permit	Issued	Ronca Development LLC 2295 NW Corporate Boulevard Boca Raton, FL 33431-7373	Bethlehem City Lehigh County	NERO
PAD450169	Chapter 102 Individual NPDES Permit	Issued	Stadden Group 121 Alger Avenue Tannersville, PA 18372-7833	Pocono Township Monroe County	NERO
PAD480017	Chapter 102 Individual NPDES Permit	Issued	Green Knight Economic Development Corp 2147 Pen Argyl Road Pen Argyl, PA 18072-9805	Bushkill Township Plainfield Township Northampton County	NERO
PAD510224	Chapter 102 Individual NPDES Permit	Issued	Tacony Realty LLC 320 Nassau Boulevard Garden City, NY 11530-5314	Philadelphia City Philadelphia County	SERO
PA0255211	Industrial Stormwater Individual NPDES Permit	Issued	Clairton Slag Inc. P.O. Box 532 1000 Madison Avenue West Elizabeth, PA 15088-0532	Jefferson Hills Borough Allegheny County	SWRO
0113804	Joint DEP/PFBC Pesticides Permit	Issued	Carroll Valley Borough Adams County 5685 Fairfield Road Fairfield, PA 17320-9611	Carroll Valley Borough Adams County	SCRO
0223802	Joint DEP/PFBC Pesticides Permit	Issued	Maronda Farms HOA P.O. Box 688 Canonsburg, PA 15317-0688	Findlay Township Allegheny County	SWRO
0913859	Joint DEP/PFBC Pesticides Permit	Issued	Camp Nockamixon 249 Traugers Crossing Road Kintnersville, PA 18930-9651	Nockamixon Township Bucks County	SERO
0913865	Joint DEP/PFBC Pesticides Permit	Issued	R&G Properties 220 Farm Lane Doylestown, PA 18901-4714	Buckingham Township Bucks County	SERO
0913875	Joint DEP/PFBC Pesticides Permit	Issued	Plumstead Township 5186 Stump Road Pipersville, PA 18947-1014	Plumstead Township Bucks County	SERO
0913925	Joint DEP/PFBC Pesticides Permit	Issued	Moskovitz David 910 Old Dolington Road Newtown, PA 18940-2702	Upper Makefield Township Bucks County	SERO
0913929	Joint DEP/PFBC Pesticides Permit	Issued	Pine Run Lakeview 777 Ferry Road Doylestown, PA 18901-2102	Doylestown Township Bucks County	SERO
0916825	Joint DEP/PFBC Pesticides Permit	Issued	The Villages Of Flowers Mill 968 Daylily Drive Langhorne, PA 19047-1795	Langhorne Borough Bucks 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>
0918812	Joint DEP/PFBC Pesticides Permit	Issued	Ziegler Janet and Al 5 Quail Drive Doylestown, PA 18901	Doylestown Township Bucks County	SERO
0921822	Joint DEP/PFBC Pesticides Permit	Issued	Spock Robert 420 W Thatcher Road Quakertown, PA 18951-2512	Richland Township Bucks County	SERO
0923813	Joint DEP/PFBC Pesticides Permit	Issued	Moczydlowski Steve 849 Haycock Run Road Kintnersville, PA 18930-9431	Haycock Township Bucks County	SERO
0923816	Joint DEP/PFBC Pesticides Permit	Issued	Grove Valley Farm 3438 Pruss Hill Road Pottstown, PA 19464-3326	Warrington Township Bucks County	SERO
0923817	Joint DEP/PFBC Pesticides Permit	Issued	Johnston Wayne 1206 Diamond Street Sellersville, PA 18960-2904	Hilltown Township Bucks County	SERO
0923818	Joint DEP/PFBC Pesticides Permit	Issued	Arbours at Morgan Creek HOA 1245 Heron Court Quakertown, PA 18951-2857	Richland Township Bucks County	SERO
0923822	Joint DEP/PFBC Pesticides Permit	Issued	Glorioso Robert 1228 Township Line Road Chalfont, PA 18914-1054	Hilltown Township Bucks County	SERO
0923823	Joint DEP/PFBC Pesticides Permit	Issued	Colonial Woods Family Campground 545 Lonely Cottage Road Upper Black Eddy, PA 18972-9345	Nockamixon Township Bucks County	SERO
1523832	Joint DEP/PFBC Pesticides Permit	Issued	Elling Janet 440 Burnt Mill Road Chadds Ford, PA 19317-9261	Kennett Township Chester County	SERO
2023810	Joint DEP/PFBC Pesticides Permit	Issued	Mark Zadrozny 25079 Plank Road Cambridge Springs, PA 16403-2349	Venango Township Crawford County	NWRO
2123804	Joint DEP/PFBC Pesticides Permit	Issued	Chronister Lee R 1322 Leidigh Drive Boiling Springs, PA 17007-9659	Monroe Township Cumberland County	SCRO
2313808	Joint DEP/PFBC Pesticides Permit	Issued	Collingdale Borough 800 Macdade Boulevard Collingdale, PA 19023-3826	Collingdale Borough Delaware County	SERO
2313823	Joint DEP/PFBC Pesticides Permit	Issued	Gross Valetta 55 Woodridge Road Thornton, PA 19373-1088	Thornbury Township Delaware County	SERO
2523803	Joint DEP/PFBC Pesticides Permit	Issued	Chris Fruehlich 11466 Springfield Road Girard, PA 16417-7232	Girard Township Erie County	NWRO
3623809	Joint DEP/PFBC Pesticides Permit	Issued	Rheems Fire Department 350 Anchor Road Elizabethtown, PA 17022-2807	West Donegal Township Lancaster County	SCRO
3623810	Joint DEP/PFBC Pesticides Permit	Issued	South Laurel Pond HOA 1181 S Bristol Drive Lititz, PA 17543-8391	Manheim Township Lancaster County	SCRO
4323808	Joint DEP/PFBC Pesticides Permit	Issued	Regis Rinko 1139 Sunol Road Cochranton, PA 16314-2931	French Creek Township Mercer County	NWRO
4613884	Joint DEP/PFBC Pesticides Permit	Issued	Cairnrun HOA P.O. Box 661 Bryn Athyn, PA 19009-0661	Bryn Athyn Borough Montgomery 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>
4613887	Joint DEP/PFBC Pesticides Permit	Issued	The Reserve at Gwynedd 347 Primrose Drive Upper Gwynedd, PA 19446-5692	Upper Gwynedd Township Montgomery County	SERO
1584404	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Nottingham Manor Mobile Home Court 1207 Delaware Avenue Wilmington, DE 19806	West Nottingham Township Chester County	SERO
1596417	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	New Garden Township Chester County	SERO
1701407	Major Sewage Treatment Facility Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 906 Beaver Drive Du Bois, PA 15801-2539	Sandy Township Clearfield County	NCRO
5123401	Major Sewage Treatment Facility Individual WQM Permit	Issued	Philadelphia Water Department 1101 Market Street 6th Floor Philadelphia, PA 19107-2934	Philadelphia City Philadelphia County	SERO
PA0002593	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Alleima Precision Tube LLC 220 Franklin Avenue Scottdale, PA 15683-1206	Scottdale Borough Westmoreland County	SWRO
PA0253553	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	TMS International LLC 516 Delwar Road Pittsburgh, PA 15236-1352	West Mifflin Borough Allegheny County	SWRO
PA0254851	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Ford City Borough 1000 4th Avenue Ford City, PA 16226-1214	Ford City Borough Armstrong County	NWRO
PA0025534	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	USDA Forest Service 4 Farm Colony Drive Warren, PA 16365-5206	Hamilton Township McKean County	NWRO
PA0040665	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Stone Barn Inc. 100 Stone Barn Drive Kennett Square, PA 19348	West Marlborough Township Chester County	SERO
PA0081051	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Round Top Sewer Cooperative Inc. 2 N Riverside Plaza Suite 800 Chicago, IL 60606-2682	Cumberland Township Adams County	SCRO
PA0084603	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Fairmount Homes 333 Wheat Ridge Drive Ephrata, PA 17522-8558	West Earl Township Lancaster County	SCRO
PA0239577	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	USDA Forest Service 4 Farm Colony Drive Warren, PA 16365-5206	Hamilton Township McKean 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>
PA0028983	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	McVeytown Borough Authority Mifflin County P.O. Box 321 McVeytown, PA 17051-0321	McVeytown Borough Mifflin County	SCRO
PA0032093	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA DCNR Shawnee State Park 132 State Park Road Schellsburg, PA 15559-7300	Napier Township Bedford County	SCRO
PA0053279	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	The McKee Group 1490 Durham Road New Hope, PA 18938	Buckingham Township Bucks County	SERO
0589201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Sandy Run Landfill LLC 995 Landfill Road Hopewell, PA 16650-8653	Broad Top Township Bedford County	SCRO
6594203	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Alleima Precision Tube LLC 220 Franklin Avenue Scottdale, PA 15683-1206	Scottdale Borough Westmoreland County	SWRO
NNOEXSC84	No Exposure Certification	Issued	Sherwin Williams Co. 1 Sherwin Williams Drive Fredericksburg, PA 17026	Bethel Township Lebanon County	SCRO
NOEXNE014	No Exposure Certification	Issued	Snap On Ind Brands 19 Bert Collins Drive Scranton, PA 18512-1509	Throop Borough Lackawanna County	NERO
NOEXSC252	No Exposure Certification	Issued	Arsenal Rd York LLC 600 Arsenal Road York, PA 17405	Springettsbury Township York County	SCRO
NOEXSC383	No Exposure Certification	Issued	Altium PKG LLC 2500 Windry Ridge Parkway Suite 1400 Atlanta, GA 30339	Muhlenberg Township Berks County	SCRO
NOEXSW242	No Exposure Certification	Issued	Westinghouse Air Brake Tech Corp d/b/a Wabtec 3004 Venture Court Export, PA 15632-8949	Penn Township Westmoreland County	SWRO
PAG030140	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lane Enterprises LLC 3905 Hartzdale Drive Suite 514 Camp Hill, PA 17011-7837	Upper Merion Township Montgomery County	SERO
PAG030141	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Rossi Auto Salvage Inc. 1700 Dekalb Street King of Prussia, PA 19406	Upper Merion Township Montgomery County	SERO
PAG030214	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Johnson & Johnson Consumer Inc. 7050 Camp Hill Road Fort Washington, PA 19034	Whitemarsh Township Montgomery 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>
PAG030228	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SEPTA 1234 Market Street 6th Floor Philadelphia, PA 19107	Middletown Township Delaware County	SERO
PAG030242	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	A Jon Const Inc. 719 Old Marple Road Springfield, PA 19064-1237	Springfield Township Delaware County	SERO
PAG030251	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SEPTA 1234 Market Street Floor 6 Philadelphia, PA 19107-3701	Philadelphia City Philadelphia County	SERO
PAG033577	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Winfield Salvage Co. LLC 860 Wolf Hollow Road Big Cove Tannery, PA 17212	Thompson Township Fulton County	SCRO
PAG033709	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Marstellar Concrete Inc. 2011 State Road Duncannon, PA 17020-9572	Penn Township Perry County	SCRO
PAG033732	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	LB Foster Co. 415 Holiday Drive Pittsburgh, PA 15220-2729	Bedford Township Bedford County	SCRO
PAG033742	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mellott Wood Preserving Co. Inc. P.O. Box 209 1398 Sawmill Road Needmore, PA 17238-0209	Belfast Township Fulton County	SCRO
PAG033768	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	EF Smith P.O. Box 73 Roaring Spring, PA 16673-0073	Taylor Township Blair County	SCRO
PAG033917	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Champion Home Bldr Inc. 755 W Big Beaver Road Suite 1000 Troy, MI 48084-4900	Greenfield Township Blair County	SCRO
PAG034841	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Buckeye Energy Service LLC 5002 Buckeye Road Emmaus, PA 18049-5347	Armstrong Township Lycoming County	NCRO
PAG034888	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Midland Asphalt Materials Inc. 88 Barrett Road Woodland, PA 16881-9364	Bradford Township Clearfield County	NCRO
PAG034895	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cabinetworks Group Michigan LLC 217 Lamoka Road Sayre, PA 18840-9418	Athens Township Bradford County	NCRO
PAG034932	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	RJ Corman RR Co. 650 Corman Way Clearfield, PA 16830-2568	Clearfield Borough Clearfield County	NCRO
PAG034937	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Young Ind Inc. 16 Painter Street Muncy, PA 17756-1407	Muncy Borough Lycoming County	NCRO
PAG035034	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	UFP Parker LLC 2801 E Beltline Avenue NE Grand Rapids, MI 49525-9680	DuBois City Clearfield County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036102	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lindy Paving Inc. 1807 Shenango Road New Galilee, PA 16141-2241	Lower Burrell City Westmoreland County	SWRO
PAG036109	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fed Express 3620 Hacks Cross Road Bldg B Fl 3 Memphis, TN 38125-8800	Aliquippa City Beaver County	SWRO
PAG036122	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cronimet Corp 1 Pilarsky Way Aliquippa, PA 15001-5421	Aliquippa City Beaver County	SWRO
PAG036191	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fullerton Terminals DE LLC 80 William Street Suite 400 Wellesley, MA 02481-3705	Neville Township Allegheny County	SWRO
PAG036222	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cameron A Schlumberger Co. 1614 E Roy Furman Highway Carmichaels, PA 15320-2415	Carmichaels Borough Greene County	SWRO
PAG036225	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Beaver Concrete & Supply Inc. 10 Industrial Park Road Monaca, PA 15061-1878	Rochester Borough Beaver County	SWRO
PAG036242	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Drilling Tools International 3701 Briarpark Drive Houston, TX 77042-5276	Charleroi Borough Washington County	SWRO
PAG036247	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	MPLX Terminals LLC 539 S Main Street Findlay, OH 45840-3229	Industry Borough Beaver County	SWRO
PAG036258	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	CPV Fairview LLC 1 N Lexington Avenue Suite 1400 White Plains, NY 10601-1724	Jackson Township Cambria County	SWRO
PAG036289	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	ABF Freight System Inc. 3801 Old Greenwood Road Fort Smith, AR 72903-5937	Hempfield Township Westmoreland County	SWRO
PAG036356	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	All Clad Metalcrafters LLC 424 Morganza Road Canonsburg, PA 15317-5716	Cecil Township Washington County	SWRO
PAG036387	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Josh Steel Co. Inc. 46 6th Street Braddock, PA 15104-1948	Rankin Borough Allegheny County	SWRO
PAG036409	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Nelson Wire & Steel LLC 1015 New Salem Road New Salem, PA 15468-1175	Menallen Township Fayette County	SWRO
PAG036443	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hoys Const Co. Inc. P.O. Box 957 Waynesburg, PA 15370-0957	Franklin Township Greene County	SWRO
PAG036455	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fedex Ground PKG System Inc. 1000 Fed Ex Drive Moon Twp, PA 15108-9373	Pittsburgh City Allegheny County	SWRO

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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>
PAG036461	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Precision Kidd Steel Co. 1 Quality Way Aliquippa, PA 15001-2459	Findlay Township Allegheny County	SWRO
PAG036472	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Savage Service Corp 1258 Old Route 119 S Mt Pleasant, PA 15666	Mount Pleasant Borough Westmoreland County	SWRO
PAG036506	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PPG Ind Inc. 440 College Park Drive Monroeville, PA 15146-1553	Monroeville Borough Allegheny County	SWRO
PAG036509	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	USPS Penn Hills 11650 Penn Hills Drive Pittsburgh, PA 15235-9721	Penn Hills Township Allegheny County	SWRO
PAG036511	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	ELG Metals Inc. 369 River Road McKeesport, PA 15132	Port Vue Borough Allegheny County	SWRO
PAG036513	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Watco Transloading LLC 2701 Midland Beaver Road Industry, PA 15052-1709	Industry Borough Beaver County	SWRO
PAG036518	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Millerstown Pick A Part Inc. 6375 A V R R Pittsburgh, PA 15201-2124	Fawn Township Allegheny County	SWRO
PAG036519	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	D & D Auto Salvage LLC 6375 A V R R Pittsburgh, PA 15201-2124	Fawn Township Allegheny County	SWRO
PAG036520	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	BFI Waste System of North American LLC 5092 Aber Road Williamsburg, OH 45176-9532	Fallowfield Township Washington County	SWRO
PA0240214	Single Residence STP Individual NPDES Permit	Issued	Burick Corey 7673 E Lake Road Erie, PA 16511-1646	Harborcreek Township Erie County	NWRO
PA0260746	Single Residence STP Individual NPDES Permit	Issued	Perchard David J 6227 Big Creek Road Clearville, PA 15535-5017	Monroe Township Bedford County	SCRO
PA0265179	Single Residence STP Individual NPDES Permit	Issued	Ayers Brian 810 Old State Road Russell, PA 16345	Pine Grove Township Warren County	NWRO
PA0265365	Single Residence STP Individual NPDES Permit	Issued	Simendinger Francis 1182 E Lake Road Transfer, PA 16154-2724	Delaware Township Mercer County	NWRO
PA0265381	Single Residence STP Individual NPDES Permit	Issued	Barry and Karen Smock 13001 Kline Road Edinboro, PA 16412-1767	Washington Township Erie County	NWRO
PA0265403	Single Residence STP Individual NPDES Permit	Issued	Brandon Martin and Dominique Rick 24291 State Highway 77 and 89 Spartansburg, PA 16434-3443	Sparta Township Crawford County	NWRO
PA0265756	Single Residence STP Individual NPDES Permit	Issued	Boisvert Daniel 741 Dump Road Sugar Grove, PA 16350-3815	Conewango Township Warren 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>
PA0265811	Single Residence STP Individual NPDES Permit	Issued	Pudina Tessa 137 Swamp Run Road Butler, PA 16001-0729	Center Township Butler County	NWRO
PA0271357	Single Residence STP Individual NPDES Permit	Issued	Sedor Roger 14368 Route 19 Cambridge Springs, PA 16403	Le Boeuf Township Erie County	NWRO
PA0271454	Single Residence STP Individual NPDES Permit	Issued	Casey and Kristin Rand 6365 W Stancliff Road Edinboro, PA 16412-9750	Franklin Township Erie County	NWRO
PA0271497	Single Residence STP Individual NPDES Permit	Issued	Reynolds Randall E 420 Kemmer Road Summerville, PA 15864	Limestone Township Clarion County	NWRO
PA0271586	Single Residence STP Individual NPDES Permit	Issued	Waugaman William 133 Buckwalter Road New Wilmington, PA 16142-2113	Shenango Township Mercer County	NWRO
PA0285137	Single Residence STP Individual NPDES Permit	Issued	Stauber Connie 1228 Perry Highway Portersville, PA 16051-2412	North Sewickley Township Beaver County	SWRO
PA0293997	Single Residence STP Individual NPDES Permit	Issued	Miller Ryan 278 Dreibelbis Station Road Lenhartsville, PA 19534-9310	Greenwich Township Berks County	SCRO
0223402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Glessner Cassandra 1517 Staunton Drive Coraopolis, PA 15108-8975	Shaler Township Allegheny County	SWRO
0423402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Stauber Connie 1228 Perry Highway Portersville, PA 16051-2412	North Sewickley Township Beaver County	SWRO
0623402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Miller Ryan 278 Dreibelbis Station Road Lenhartsville, PA 19534-9310	Greenwich Township Berks County	SCRO
1018402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Pudina Tessa 137 Swamp Run Road Butler, PA 16001-0729	Center Township Butler County	NWRO
2508404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Burick Corey 7673 E Lake Road Erie, PA 16511-1646	Harborcreek Township Erie County	NWRO
PA0101117	Small Flow Treatment Facility Individual NPDES Permit	Issued	Freedom First Rentals LLC P.O. Box 5205 Conneaut Lake, PA 16316-5205	Cussewago Township Crawford County	NWRO
2073407	Small Flow Treatment Facility Individual WQM Permit	Issued	Freedom First Rentals LLC P.O. Box 5205 Conneaut Lake, PA 16316-5205	Cussewago Township Crawford 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>
PAC230056	PAG-02 General Permit	Issued	Marple Associates, LP 1604 Walnut Street 4th Floor Philadelphia, PA 19103	Marple Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC190078	PAG-02 General Permit	Issued	RFF Partners, LP 190 Tyson School Rd Catawissa, PA 17820	Locust Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC190037 A-1	PAG-02 General Permit	Issued	Adam Felty— Calumet Enterprises 2205 Old Philadelphia Pike Lancaster, PA 17602	Hemlock Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17602 570-784-1310
PAC190077	PAG-02 General Permit	Issued	Pine School Solar, LLC 55 Technology Drive Lowell, MA 01851	Pine Township Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310
PAC140141 A-1	PAG-02 General Permit	Issued	Stocker Chevrolet-Subaru- Saab, Inc. 1454 Dreibelbis Road State College, PA 16801	College Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 814-355-6817
PAC080075	PAG-02 General Permit	Issued	Zane King, PTV 1327, LLC 400 Penn Center Blvd Bldg 4 Suite 100 Pittsburgh, PA 15235	Wysox Township Bradford County	Bradford County Conservation District 200 Lake Rd Ste E Towanda, PA 18848 570-265-5539
PAC600103	PAG-02 General Permit	Issued	Aaron Reiff 288 Dorman Lane Mifflinburg, PA 17844	Lewis Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860
PAC600105	PAG-02 General Permit	Issued	Patton Industrial Development, LLC (Shawn Hoffman) 18108 Russell Road Allenwood, PA 17810	Gregg Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860
PAC090633	PAG-02 General Permit	Issued	STD Associates, LP 1027 Conshohocken Road Conshohocken, PA 19428-1051	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 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>
PAC090647	PAG-02 General Permit	Issued	SAFStor Old Lincoln, LLC 444 Seabreeze Boulevard Daytona Beach, FL 32118-3934	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090617	PAG-02 General Permit	Issued	Michael and Lisa Grezko 633 N. Main Street Doylestown, PA 18901	Buckingham Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC680054	PAG-02 General Permit	Issued	PA DEP Bureau of Abandoned Mine Reclamation 286 Industrial Park Road Ebensburg, PA 15931	Gilpin Township Armstrong County	DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800
PAC330037	PAG-02 General Permit	Issued	Acquire Timber LLC 5075 Lower Valley Road Atglen, PA 19301	Warsaw Township Jefferson County	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
PAC610028	PAG-02 General Permit	Issued	National Fuel Gas Distribution Corporation 1100 State Street Erie, PA 16501	Rockland Township Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832
PAC030050	PAG-02 General Permit	Issued	PTV 1330 LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	Manor Township Armstrong County	Armstrong County Conservation District 120 South Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC250192	PAG-02 General Permit	Issued	KPL Properties I LLC 729 E Columbus Avenue Corry, PA 16407	City of Corry Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC650358	PAG-02 General Permit	Issued	Weaver Development, Inc. 3121 Deerfield Court Murrysville, PA 15668	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650204A-1	PAG-02 General Permit	Issued	Blackhorne Investors, LLC 21 Husler Place Carnegie, PA 15106	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC360527A-1	PAG-02 General Permit	Issued	PennDOT District 8-0 240 Herr Street Harrisburg, PA 17103	East Hempfield Township and Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361

NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC650362	PAG-02 General Permit	Issued	Battlefield Sports Complex, LLC 1051 Gombach Road Claridge, PA 15623	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC010236	PAG-02 General Permit	Issued	Oxford Township 780 Hanover Street New Oxford, PA 17350	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC360858	PAG-02 General Permit	Issued	East Lampeter Township 2250 Old Philadelphia Pike Lancaster, PA 17602	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC360866	PAG-02 General Permit	Issued	Compass Mill Complex LLC 1213 Orchard Road Lititz, PA 17543	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC360802	PAG-02 General Permit	Issued	Posh Hospitality No. 4 Flory Mill LLC 2216 Willow Park Road Bethlehem, PA 18017	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC210300	PAG-02 General Permit	Issued	Aqua Treatment Systems 194 Hempt Road Mechanicsburg, PA 17050	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210312	PAG-02 General Permit	Issued	Prologis, LP 400 Boulder Drive Breinigsville, PA 18031	North Middleton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210313	PAG-02 General Permit	Issued	Prologis, LP 400 Boulder Drive Suite 200 Breinigsville, PA 18031	North Middleton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210314	PAG-02 General Permit	Issued	Coldwater Capital LLC 3135 South Richmond Street Salt Lake City, UT 84106	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210319	PAG-02 General Permit	Issued	P.J.C. Bar Development 224 St. Charles Way York, PA 17402	Hampden Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC210325	PAG-02 General Permit	Issued	Metropolitan Edison 2800 Pottsville Pike Reading, PA 19612	Mount Holly Springs Borough Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210324	PAG-02 General Permit	Issued	AVA Group 2401 Park Drive Harrisburg, PA 17110	South Middleton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC010205	PAG-02 General Permit	Issued	FLI Thomas, LP 2121 Old Gatesburg Road State College, PA 16803	Straban Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC360177A-3	PAG-02 General Permit	Issued	Quarryville Industrial Properties, LLC 339 Christiana Pike Christiana, PA 17509	Eden Township and Quarryville Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC360821	PAG-02 General Permit	Issued	Manheim Central School District 281 White Oak Road Manheim, PA 17545	Penn Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC430097	PAG-02 General Permit	Issued	Sunrise Sandy Lake Polk Road LLC 1407 Broadway 24th Floor New York, NY 10018	Sandy Lake Township Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC360770A-1	PAG-02 General Permit	Issued	Robert Hershey Sr. 99 Stehman Road Lancaster, PA 17603	Conestoga Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC360766A-1	PAG-02 General Permit	Issued	Belmont Property Management Group LLC 88 Linda Avenue Lancaster, PA 17602	East Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC360673	PAG-02 General Permit	Issued	J&E Grill Manufacturing LLC 127 Meadow Creek Road New Holland, PA 17557	Earl Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17602 717-299-5361
PAC670344A-1	PAG-02 General Permit	Issued	Jed Beckman 15 Senft Road Spring Grove, PA 17362	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670655	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Drive York, PA 17408	Dover Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670498A-1	PAG-02 General Permit	Issued	Inch's Properties, LLC 2950 Lewisberry Road York, PA 17404	Mount Wolf Borough York County	York County Conservation District 2401 Pleasant Valley Road York, PA 17402 717-840-7430
PAC230263	PAG-02 General Permit	Issued	Printers Way Properties, LLC 940 West Sproul Road Springfield, PA 19064	Middletown Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC090633	PAG-02 General Permit	Issued	STD Associates, LP 1027 Conshohocken Road Conshohocken, PA 19428-1051	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090617	PAG-02 General Permit	Issued	Michael and Lisa Grezko 633 N. Main Street Doylestown, PA 18901	Buckingham Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090350 A-1	PAG-02 General Permit	Issued	Faith Unity, Inc. 1581 Bristol Pike Bensalem, PA 19020-5762	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090647	PAG-02 General Permit	Issued	SAFStor Old Lincoln, LLC 444 Seabreeze Boulevard Daytona Beach, FL 32118-3934	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov

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>
Anthony Oberholtzer 1500 Pine Grove Road Bethel, PA 19507	Berks County	210	450.51	Poultry, Broiler	NA	Approved
Ryan Rutt 524 North Garfield Road Bernville, PA 19506	Berks County	200	1,038.86	Swine and Poultry (broilers)	NA	Approved
Misty Hollow Farm— Jay Paul Nolt 611 Blattadahl Road Mohrsville, PA 19541	Berks County	67.1	115.6	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 Pennsyl-

vania 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. 4923502, Major Amendment, Public Water Supply.

Applicant	Aqua Pennsylvania Roaring Creek
Address	204 East Sunbury Street Shamokin, PA 17872
Municipality	Butler Township
County	Schuylkill County
Consulting Engineer	Charles W Amer 289 East 5th Street Suite 1 Bloomsburg, PA 17815

Application Received March 3, 2023
 Permit Issued August 28, 2023
 Description This permit authorizes the permittee to install two (2) new 3-HP vertical multistage Goulds Series e-SV—Model 5SV-8 booster pumps and Controller Tiger Flow Series VMS-4000-VFD and controls, McCrometer Ultra Mag Flow Meter and a new Amtrol Therm-X-Trol ST-180V, 62 gallon, NSF 61 certified pressure tank and Quiet Cool Garage Fan Model No. GA ES-1500 for ventilation in Butler Township, Schuylkill County.

Construction Permit No. 6023501MA, Minor Amendment, Public Water Supply.

Applicant **PA American Water Co. White Deer/Milton**
 Address 852 Westley Drive Mechanicsburg, PA 17055
 Municipality White Deer Township
 County **Union County**
 Consulting Engineer Scott Thomas 852 Wesley Drive Mechanicsburg, PA 17055
 Application Received August 21, 2023
 Permit Issued August 31, 2023
 Description This permit authorizes upgrades to Aldrich Units 1 and 2 at the White Deer Filter Plant.

Construction Permit No. 0823502MA, Minor Amendment, Public Water Supply.

Applicant **Gillett MHC LLC**
 Address 1602 W Allen Street Allentown, PA 18102
 Municipality Ridgebury Township
 County **Bradford County**
 Consulting Engineer Anthony Coval 466 South Main Street Montrose, PA 18801
 Application Received August 21, 2023
 Permit Issued August 31, 2023
 Description This permit authorizes the water system to replace the raw water and combined filter effluent HACH 1720E turbidimeters with Pyxis LT-739 Series Turbidimeters.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Ryan Fox, E.I.T. 570-826-2533.

Construction Permit No. 6423504, Major Amendment, Public Water Supply.

Applicant **Worobey Transport, Inc.**
 Address 539 Shehawken Rd. P.O. Box 72 Preston Park, PA 18455
 Municipality Hawley Borough
 County **Wayne County**
 Consulting Engineer Sarah Bue-Morris, P.E. 275 South Sterling Rd. Newfoundland, PA 18445
 Application Received June 22, 2023
 Permit Issued August 29, 2023
 Description Addition of AQUA PA—Hawley (2640028) as a finished bulk water hauling source as well as the addition of new bulk water hauling equipment to be added as new entry point locations.

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

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

Operation Permit No. 7361073, Public Water Supply.

Applicant **265 Herr Road LLC**
 Address 725 Walnut Street Lebanon, PA 17042
 Municipality Strasburg Township
 County **Lancaster County**
 Application Received June 26, 2023
 Permit Issued August 25, 2023
 Description Transfer of all public water supply permits from Dutch Treat Motel to 265 Herr Road LLC, and installation of an online chlorine analyzer at Entry Point 100.

Operation Permit No. 2822504 MA, Public Water Supply.

Applicant **Bear Valley Joint Authority**
 Address 218 School House Rd St. Thomas, PA 17252
 Municipality Saint Thomas Township
 County **Franklin County**
 Consulting Engineer Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
 Application Received August 25, 2023
 Permit Issued August 29, 2023
 Description Operation of modifications at Broad Run Treatment Plant including contact piping, entry point relocation and instrumentation, 5.3 MG storage tank mixer, and rerating of the filter plant capacity.

Emergency Permit No. 5023519 E, Public Water Supply.

Applicant **Duncannon Borough**
 Address 428 North High Street
 Duncannon, PA 17020
 Municipality Duncannon Borough
 County **Perry County**
 Consulting Engineer Pennoni Associates, Inc.
 1215 Mano Drive
 Suite 100
 Mechanicsburg, PA 17055
 Application Received August 28, 2023
 Permit Issued August 28, 2023
 Description Emergency Bulk Water Hauling

Contact: Joseph Mattucci, Program Manager, 717-705-4931

Amendment Permit No. 5023512 MA, Minor Amendment, Public Water Supply.

Applicant **Perry County Non-Profit Housing Corp.**
 Address 232 Market Street
 Newport, PA 17074
 Municipality Tyrone Borough
 County **Perry County**
 Consulting Engineer Max E. Stoner, P.E.
 3705 Trindle Road
 Camp Hill, PA 17011
 Application Received July 14, 2023
 Permit Issued August 31, 2023
 Description The Perry County Non-Profit Housing Corporation applied for a well pump replacement permit.

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 4922502MA, PWSID No. **4490016**. **PA American Water Co.—Turbotville**, 852 Wesley Drive, Mechanicsburg, PA 17055, Turbotville Borough, **Northumberland County**. Application received: August 28, 2023. Permit Issued: August 29, 2023. Authorizes the water system to operate the rehabilitated 298,000-gallon Turbotville Tank 2 (North) Aquastore Tank.

Operation Permit 1423504MA, PWSID No. **4140083**. **Milesburg Borough Water Authority**, 416 Front Street P.O. Box 282, Milesburg, PA 16853, Milesburg Borough, **Centre County**. Application received: August 18, 2023. Permit Issued: August 30, 2023. This permit authorizes operation of the Eaton PowerXL DG1 variable frequency drive (VFD) to control the existing pumps at the Milesburg Water Authority Pump Station.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist, 717-705-4700.

Emergency Permit 2823509 E, PWSID No. **7210043**. **Shippensburg Borough Authority**, 111 North Fayette Street, Shippensburg, PA 17257, Lurgan Township,

Franklin County. Application received: August 21, 2023. Permit Issued: August 23, 2023. This emergency operation permit was issued to return filter No. 2 at the Gunter Valley Water Treatment Plant to service following a replacement of the underdrain and filter media.

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

Operation Permit 4440371, PWSID No. **4440371**. **Dolgencorp LLC**, 100 Mission Ridge, Goodlettsville, TN 37072, Granville Township, **Mifflin County**. Application received: April 14, 2023. Permit Issued: August 29, 2023. Comprehensive operation permit for the installation of an online chlorine analyzer, as well as transfer of ownership from JLM Real Estate Investments, LLC to Dolgencorp LLC.

Operation Permit 6722504 MA, PWSID No. **7670097**. **Wrightsville Borough Municipal Authority**, 601 Water Street, P.O. Box 187, Wrightsville Borough, PA 17368, Wrightsville Borough, **York County**. Application received: August 28, 2023. Permit Issued: August 31, 2023. Operation permit for the raw water pipe replacement between the Susquehanna River intake structure and the pump station.

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

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

Transfer Permit 0423509-T1, PWSID No. **5040861**. **Allied Convenience LLC**, 107 Breckenridge Drive, Wexford, PA 15090, Darlington Borough, **Beaver County**. Application received: April 26, 2023. Permit Issued: August 31, 2023. Transfer of the One Stop Shopper water supply system from Ray Nixon to Allied Convenience LLC.

NCWSA Transfer Permit 5630431, PWSID No. **5630431**. **Canonsburg Sportsman's Association**, P.O. Box 298, Canonsburg, PA 15317, Chartiers Township, **Washington County**. Application received: July 27, 2023. Permit Issued: August 31, 2023. New Public Water Supply Well and treatment.

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.

Halfmoon Township Municipal Park Release Cleanup, Primary Facility ID # **867052**, 100 Municipal Lane, Halfmoon, PA 16870, Halfmoon Township, **Centre County**. JHA Companies, 466 South Main Street, Montrose, PA 18810, on behalf of Halfmoon Township, 100 Municipal Lane, Halfmoon, PA 16870, submitted a Final Report concerning remediation of soil contaminated with Ethylene glycol. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Irvona Municipal Authority, Primary Facility ID # **8688750**, 381 Berwind Street, Irvona, PA 16656, Irvona Borough, **Clearfield County**. Insite Group, Inc., 611 S. Irvine Avenue, Sharon, PA 16146, on behalf of Irvona Municipal Authority, P.O. Box 274, Irvona, PA 16656, submitted a Final Report concerning remediation of soil contaminated with heating oil. 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: Bill, 814-332-6671.

ARG Refinery, Primary Facility ID # **651768**, 77 North Kendall Avenue, Bradford, PA 16701, City of Bradford, **McKean County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of American Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethyl Benzene, Xylenes (total), Cumene (Isopropylbenzene), Methyl tert-Butyl Ether, Naphthalene, Trimethyl benzene, 1,2,4-(Trimethyl benzene, 1,3,4-), Trimethyl benzene, 1,3,5-, Fluorene, Phenanthrene, Anthracene, Pyrene, Chrysene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(a)pyrene, Benzo(g,h,i)perylene and groundwater: Benzene, Toluene, Ethyl Benzene, Xylenes (total), Cumene (Isopropylbenzene), Methyl tert-Butyl Ether, Naphthalene, Trimethyl benzene,

1,2,4-(Trimethyl benzene, 1,3,4-), Trimethyl benzene, 1,3,5-, Phenanthrene, Pyrene, Chrysene for EU-1W. The Risk Assessment is intended to document remediation of the site to meet the site-specific 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.

2944 Samuel Drive, Primary Facility ID # **840740**, 2944 Samuel Drive, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Howard Weiss, 2944 Samuel Drive, Inc., 4250 Wisahickon Avenue, Philadelphia, PA 19129, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with PAHs and inorganics. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific 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.

Penn Avenue & Center Street, Primary Facility ID # **862461**, 775-799 Penn Avenue & 750-754 Wallace Avenue, Wilkinsburg, PA 15221, Wilkinsburg Borough, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of North Side Industrial Development Co., Inc., 700 River Avenue, Suite 531, Pittsburgh, PA 15219, submitted a Baseline Environmental Report concerning remediation of soil and groundwater contaminated with Cyclohexane, Acenaphthene, Barium, Ethylbenzene, Acenaphthylene, Cadmium, Isopropylbenzene, Anthracene, Chromium, Methyl cyclohexane, Benzo(ghi)perylene, Lead, Toluene, Chrysene, Mercury, 1,3,5-Trimethylbenzene, Fluoranthene, Selenium, o-Xylene, Fluorene, Silver, p/m-Xylene, 2-Methylnaphthalene, Xylenes, Naphthalene, Phenanthrene, Pyrene, Benzene, Benzo(a)anthracene, Arsenic, 1,2,4-Trimethylbenzene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Dibenz(a,h)anthracene, Indeno-(1,2,3-cd)pyrene for soil; Acetone, Acenaphthene, Arsenic, Benzene, Benzo(a)anthracene, Barium, Cyclohexane, 2-Chloronaphthalene, Lead, Ethylbenzene, Fluoranthene, Isopropylbenzene, Fluorene, Methyl cyclohexane, 2-Methylnaphthalene, Toluene, Naphthalene, Trichloroethene, Phenanthrene, 1,3,5-Trimethylbenzene, Pyrene, 1,2,4-Trimethylbenzene, Xylenes for groundwater. The Baseline Environmental Report is intended to document remediation of the site to meet the special industrial area provision of act 2.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental

Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following plans and reports.

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.

GM Trucking Produced Water Release Cleanup, Primary Facility ID # **866277**, Intersection of SR 2010 and Gravel Pit Road, Wyalusing, PA 18853, Wyalusing Township, **Bradford County**. Penn Environmental & Remediation Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of GM Trucking, Inc., 215 Green Mountain Drive, Athens, PA 18810, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 23, 2023.

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 produced water. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 3, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

Bones Auto Parts, Primary Facility ID # **866332**, 1110 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Keystone Environmental Health & Safety Services, 1111 12th Avenue, Altoona, PA 16601, on behalf of Turkey Hill Minit Markets, LLC, 165 Flanders Road, Westborough, MA 01581, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 31, 2023.

O'Dowd SUS Pad, Primary Facility ID # **783228**, 2411 State Route 3011, Meshoppen, PA 18630, Auburn Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report demonstrated attainment of the Statewide health standards. Approved: August 31, 2023.

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

Contact: Chris, 724-598-2206.

Dorsch Unit Unconventional Well Site, Primary Facility ID # **858926**, 201 Arden Drive, Harmony, PA 16037, Lancaster Township, **Butler County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16336, 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 Statewide health standard in soil for benzene, toluene, ethylbenzene, xylene, sec-butyl benzene, tert-butyl benzene, cyclohexane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 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, phenol, aluminum, barium, boron, chloride, iron, lithium, manganese, strontium, zinc, and selenium. Background Standard in soil for vanadium. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: September 1, 2023.

Contact: Nick, 814-332-6978.

Pastore 1 Well, Primary Facility ID # **868333**, Bonnie Brae Street, Erie, PA 16511, Harborcreek Township, **Erie County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of PPP Future Development Inc., 9489 Alexander Road, Alexander, NY 14005, submitted a Final Report concerning remediation of soil contaminated with r benzene, toluene, ethyl benzene, xylene, sec-butyl benzene, tert-butyl benzene, cyclohexane, 1,3,4-trimethylbenzene, 1,3,5-trimethylbenzene, cumene, naphthalene, acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, Benzo(g,h,i)perylene, Fluoranthene, fluorene, indeno(1,2,3-c,d)pyrene, 2-methylnaphthalene, phenanthrene, pyrene, and 1,1 biphenyl. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 30, 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.

Lombard Commons, Primary Facility ID # **849782**, 100 East Broad Street, Dallastown, PA 17313, Dallastown Borough, **York County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Lombard Commons, LP c/o Woda Cooper Companies, Inc., 500 South Front Street, 10th Floor, Columbus, OH 43215, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with Arsenic. The Report demonstrated attainment of the site-specific standards. Approved: August 31, 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.

1700 North 49th Street, Primary Facility ID # **816258**, 1700 North 49th Street, Philadelphia, PA 19131, City of Philadelphia, **Philadelphia County**. Meredith Braverman, Arcadis U.S., Inc., 1007 North Orange Street, Suite 411 and 412, Wilmington, DE 19801, on behalf of Michael Grygo, Comcast of Philadelphia, LLC, 380 Horizon Boulevard, Suite 300, Trevese, PA 19053, submitted a Final Report concerning remediation of groundwater contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: August 17, 2023.

Laboratory Testing, Inc., Primary Facility ID # **862328**, 2331 Topaz Drive, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Lisa R. Whited, PG, LVL Engineering Group, 559 Main Street, Suite 230, Bethlehem, PA 18018, on behalf of Mike McVaugh, MTJ Properties, LP, 2331 Topaz Drive, Hatfield, PA 19440, submitted a Remedial Investigation Report concerning remediation of groundwater contaminated with trichloroethylene. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: August 17, 2023.

Phoenixville Crossing LP, Primary Facility ID # **833749**, 622 Hares Hill Road, Phoenixville, PA 19460, East Pikeland Township, **Chester County**. Stephen D. Brower, PG, Environmental Standards, Inc., 140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19842, on behalf of Ken Gibson, Phoenixville Area School District, 386 City Line Avenue, Phoenixville, PA 19460, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with arsenic. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 4, 2023.

319 West Gay Street, Primary Facility ID # **780952**, 319 West Gay Street, West Chester, PA 19383, West Chester Borough, **Chester County**. John Sunkler, EnviroSure, Inc., 1 North Bacton Hill Road, Suite 208, Malvern, PA 19355, on behalf of Chad Weldon, CRW Realty, LP, 319 West Chester Gay Street, West Chester, PA 19382, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: August 22, 2023.

723 Wheatland Street, Primary Facility ID # **832853**, 723 Wheatland Street, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Jon Herzog, CSW Wheatland Associates, Inc., 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034, submitted a Final Report concerning remediation of soil and groundwater contaminated with arsenic and PCE. The Final Report demonstrated attainment of the site-specific standards. Approved: August 17, 2023.

Harrison Senior Living Facility, Primary Facility ID # **702399**, 300 Strode Avenue, Coatesville, PA 19320, East Fallowfield Township, **Chester County**. Christopher J. Horan, PG, Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Harrison Saunders, Harrison Senior Living, 300 Strode Avenue, Coatesville, PA 19468, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the site-specific standards. Approved: August 17, 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.

Former Matthews International Property, Primary Facility ID # **845030**, 6515 Penn Avenue, Pittsburgh, PA 15206, City of Pittsburgh, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668, on behalf of Walnut Capital Management, Inc., 5500 Walnut Street, Suite 300, Pittsburgh, PA 15232, submitted a Final Report concerning remediation of soil and groundwater contaminated with Cis-1,2-Dichloroethene, Chlorobenzene, 1,4-Dichlorobenzene, 1,2,4-Trichlorobenzene, Aroclor 1248, Aroclor 1254, Aroclor 1260, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)luoranthene, Dibenz(a,h)anthracene, Indeno(1,2,3-cd)pyrene, Arsenic, and copper in soil; Cis-1,2-Dichloroethene, 1,4-Dichlorobenzene, Benzene, Tetrachloroethene, Trichloroethene, Vinyl Chloride, Aroclor 1254, Aroclor 1260 for groundwater. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 28, 2023.

HAZARDOUS WASTE TRANSPORTER LICENSE

Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Transporter License Issued

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

Contact: Jonathan Adams.

Marden Environmental Transport, LLC, 87 Laurel Hill Road, Brookfield, CT 06804. **License No. PA-AH 0939**. Application received: July 31, 2023. Effective August 30, 2023.

Transporter License Reissued

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

Contact: Jonathan Adams.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. **License No. PA-AH 0500**. Application received: August 2, 2023. Effective August 30, 2023.

Miller Environmental Group, Inc., 538 Edwards Avenue, Calverton, NY 11933. **License No. PA-AH 0501**. Application received: August 29, 2023. Effective August 30, 2023.

**REGULATED MEDICAL AND
CHEMOTHERAPEUTIC WASTE TRANSPORTER
LICENSE**

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

Transporter License Reissued

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

Contact: Jonathan Adams.

Hamilton Pet Meadow, Inc., 1500 Klockner Road, Hamilton, NJ 08619. **License No. PA-HC 0227**. Received on August 29, 2023. Effective August 29, 2023.

Lewis Environmental, LLC, P.O. Box 639, Royersford, PA 19468. **License No. PA-HC 0280**. Received on August 3, 2023. Effective August 30, 2023.

**OPERATE WASTE PROCESSING OR
DISPOSAL AREA OR SITE**

Action(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.

100281. Greenridge Reclamation, LLC, 234 Landfill Road, Scottdale, PA 15683, East Huntingdon Township, **Westmoreland County**. Eastern expansion of the Greenridge Reclamation Landfill located at 234 Landfill Road, Scottdale, PA 15683. Application received: April 5, 2019. Issued: August 29, 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, New Source Review Chief, 570-826-2507.

GP9-40-043: Mericle Construction, Inc., 100 Baltimore Drive, Wilkes-Barre, PA 18702, Hanover Township, **Luzerne County**. For the relocation of the engines associated with the portable nonmetallic mineral processing plant equipment to the Hanover Industrial Estates site in Hanover Township, Luzerne County. Application received: August 9, 2023. Issued: August 28, 2023.

GP3-40-043: Mericle Construction, Inc., 100 Baltimore Drive, Wilkes-Barre, PA 18702, Hanover Township, **Luzerne County**. For the relocation of portable nonmetallic mineral processing plant equipment with water sprays to the Hanover Industrial Estates site in Hanover Township, Luzerne County. Application received: August 9, 2023. Issued: August 28, 2023.

GP9-40-042: Rossi Excavating Company, 10 Cent-town Road, Beaver Meadows, PA 18216, Hazle Township, **Luzerne County**. For the installation and operation of one engine associated with portable nonmetallic mineral processing plant equipment at the Beaver Brook development site in Hazle Township, Luzerne County. Application received: August 2, 2023. Issued: August 31, 2023.

GP3-40-042: Rossi Excavating Company, 10 Cent-town Road, Beaver Meadows, PA 18216, Hazle Township, **Luzerne County**. For the installation and operation of portable nonmetallic mineral processing plant equipment with water sprays at the Beaver Brook development site in Hazle Township, Luzerne County. Application received: August 2, 2023. Issued: August 31, 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.

GP4-2-22-03042: Edwin L. Heim Co., P.O. Box 2247, Harrisburg, PA 17105, City of Harrisburg, **Dauphin County**. For the existing burn-off oven, under GP4, at the facility located at 1900 Greenwood Street. The general permit authorization was renewed. Application received: August 7, 2023. Issued: August 30, 2023.

GP4-22-03114: Edwin L. Heim Co., P.O. Box 2247, Harrisburg, PA 17105, City of Harrisburg, **Dauphin County**. To move an existing burn-off oven, under GP4, from the facility located at 1900 Greenwood Street, to the facility located on 1001 South 14th Street. Application received: August 7, 2023. Issued: August 30, 2023.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

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

67-05004V: Pixelle Specialty Solutions, LLC, 228 S. Main St., Spring Grove, PA 17362-1000, Spring Grove Borough, **York County**. For the installation of a 4.84 mmBtu/hr burner to the No. 3 Recovery boiler (ID 037) for the purpose of rerouting ID192 LVHC NCG (low volume, high concentration non condensable gas) stream from combustion in the No. 5 Power Boiler (ID 036) to ID 037. ID 036 will become the secondary control for ID 192. The project will occur at the pulp and paper mill. Application received: January 23, 2023. Issued: August 30, 2023.

44-05013E: Glenn O. Hawbaker, Inc., Milroy Quarry, 475 Naginey Road, Milroy, PA 17063, Armagh Township, **Mifflin County**. For the addition of a baghouse to the tertiary crusher of the limestone quarry. Application received: August 28, 2023. Issued: August 29, 2023.

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

06-05069AD: East Penn Manufacturing Co., Inc., Deka Rd., P.O. Box 147, Lyon Station, PA 19536, Richmond Township, **Berks County**. For the transfer from Anew Environmental, LLC to East Penn Manufacturing, Inc. of 47 tpy of NO_x emission reduction credits (ERCs) in accordance with 25 Pa. Code Chapter 127, Subchapter E. In addition, East Penn Manufacturing Co., Inc. is proposing to (A) install one new continuous pasting line equipped with one 0.8 million Btu/hr burner and remove two existing panel pasting lines and (B) install one new stripcasting machine equipped with one 6.0 million Btu/hr burner and remove four existing book molds each equipped with one 1.0 million Btu/hr burner. These changes concern the Battery Assembly plant. Application received: December 21, 2023. Issued: August 29, 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.

09-0226B: NOSCO ODSC, 1504 Grundy Ln, Units 4-8, Bristol, PA 19007-1521, Bristol Township, **Bucks County**. This action is for the installation of a new HP Indigo 35000, seven-color digital printer at an existing facility. The proposed HP Indigo 35000 digital printer will be replacing an older, existing HP Indigo 30000 digital printer. Application received: June 12, 2023. Issued: August 30, 2023.

15-0078I: Janssen Biotech, Inc., 200 Great Valley Pkwy, Malvern, PA 19355-1307, East Whiteland Township, **Chester County**. This action is for a plan approval for the installation and operation of two natural gas fired, internal combustion engine/electric generators (EGEN) to serve the needs of Building M6 and M11. Application received: February 1, 2023. Issued: August 30, 2023.

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

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

Contact: David Balog, P.E., New Source Review Section Chief, 814-332-6328.

42-004K: American Refining Group, 77 North Kendall Ave, Bradford, PA 16701, City of Bradford, **McKean County**. Has issued a plan approval extension to allow the facility more time for project shakedown activities. This is a 6-month extension. Application received: August 1, 2023. Issued: August 28, 2023.

62-00032P: Ellwood National Forge Company, 1 Front Street, Irvine, PA 16329, Brokenstraw Township, **Warren County**. Has issued a plan approval extension to allow additional time for processing a plan approval to amend the facility's emission PM limits. This extension keeps the existing plan approval active while the new plan approval application is reviewed. This is a 6-month extension. Application received: July 6, 2023. Issued: August 28, 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.

06-03102B: The City of Reading, 815 Washington Street, Reading, PA 19601, City of Reading, **Berks County**. For upgrades to the Reading Waste Water Treatment Plant on Fritz Island. The plan approval was extended, with a compliance schedule. Application received: August 14, 2023. Issued: August 29, 2023.

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

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

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

59-00005: Eastern Gas Transmission & Storage, Inc., 6603 West Broad Street, Richmond, VA 23230, Clover Township, **Tioga County**. The Department issued a Title V Operating Permit (renewal) for the Eastern Gas Transmission & Storage, Inc. Sabinsville Transmission Station. The permit includes all applicable conditions in the Title V Operating Permit, the requirements of applicable Federal standards of 40 CFR Parts 60 and 63, and the requirements of all applicable regulations of Chapters 121—145 including revisions pertaining to the Department's RACT III regulation pursuant to 25 Pa. Code Sections 129.111 through 129.115. Application received: September 22, 2022. Renewal issued: August 31, 2023. New expiration date: August 30, 2028.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick 570-826-2409.

45-00005: Sanofi Pasteur, Swiftwater Facility, 1 Discovery Drive, Swiftwater, PA 18370-9100, Pocono Township, **Monroe County**. The Department issued a renewal Title V Operating Permit for the Pharmaceutical Preparations facility in Pocono Township, Monroe County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G. The main

sources at this facility consist of boilers, vaccine production, emergency generators, and egg waste processing area. The control devices are an RTO and Hepa filters. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The Title V 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: June 9, 2022. Renewal issued: August 30, 2023.

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

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

10-00028: Armstrong Cement & Supply, 100 Clearfield Rd, Cabot, PA 16023, Winfield Township, **Butler County**. The Department issued a renewal of the Title V Permit to Armstrong Cement and Supply for the operation of a cement manufacturing facility. The facility's major emission sources include raw material stockpiles, primary and secondary crushers for raw materials, material conveyance systems, cement kilns, finish mills, and miscellaneous support operations. The permit contains the National Emission Standards for Hazardous Air Pollutants (NESHAPs) from the Portland Cement Manufacturing Industry (40 CFR 63 Subpart LLL) and the NESHAPs for Stationary Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ). The permit contains the applicable Federal and State requirements to ensure compliance with the Air Pollution Control Act. The permit incorporates the RACT III presumptive requirements (Sections 129.111, 129.112, and 129.115). The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit particulate matter less than ten microns in diameter, sulfur oxides, and nitrogen oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The actual emissions reported by the facility for 2021 were 31.9 TPY CO, 289.6 TPY NO_x, 3.74 TPY PM₁₀, 1.45 TPY PM_{2.5}, 683.21 TPY SO_x, and 2.35 TPY VOC. Application received: March 29, 2022. Issued: August 17, 2023.

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

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

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

41-00074: Bayard Printing Group, One Maynard Street, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. The Department issued a renewal State Only Operating Permit for the company's Williamsport printing facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal regulations. Application received: August 15, 2022. Renewal issued: August 28, 2023. New expiration date: August 27, 2028.

41-00028: Koppers, Inc., 50 Koppers Lane, Montgomery, PA 17752, Clinton Township, **Lycoming County**. The Department issued a renewal State Only (Natural Minor) Operating Permit for the company's railroad tie

treatment plant. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with State and Federal regulations. Application received: November 9, 2022. Renewal issued: September 5, 2023. New expiration date: September 4, 2028.

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

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

03-00215: Allegheny Mineral Corp., P.O. Box 1022 One Glade Park East, Kittanning, PA 16201, West Franklin Township, **Armstrong County**. The Department issued the renewal of the State Only Operating Permit for Allegheny Mineral Corps. Worthington Plant for the limestone processing plant. The facility is a Natural Minor. The primary sources at the facility consist of crushers, screens, conveyors and storage piles. The potential emissions for this facility are estimated at 69.65 tpy PM. 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. Application received: July 22, 2022. Issued: September 5, 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.

34-03011: Champion Home Builders Inc., Liverpool Plant 41, 755 West Big Beaver Road, Suite 1000, Troy, MI 48084, Liverpool Township, **Juniata County**. For the operation of an existing modular home production facility. Application received: January 11, 2023. Issued: August 28, 2023.

67-03132: Voith Hydro, Inc., P.O. Box 712, York, PA 17405-0712, West Manchester Township, **York County**. For the hydro-electric turbine equipment manufacturing and refurbishing facility. The State-Only permit was renewed. Application received: February 5, 2023. Issued: August 29, 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.

15-00051: Allan Myers Materials/Devault Quarry, Route 29 and Charlestown Rd, Devault, PA 19432, Charlestown Township, **Chester County**. This action is for the renewal of the Synthetic Minor Permit for a Drum Mix Hot Asphalt Plant and a Recycled Asphalt Pavement Crusher. Application received: November 18, 2022. Issued: August 29, 2023.

09-00089: American Cremation Services, 1859 Stout Dr., Warminster, PA 18974-1157, Warwick Township, **Bucks County**. This action is for the renewal of the Natural Minor Permit for the operation of crematory units. Application received: March 7, 2023. Issued: August 29, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

67-03172: Panebaker Funeral Home & Cremation Care Center, Inc., 311 Broadway, Hanover, PA 17331-2505, Heidelberg Township, **York County**. For a crematory facility. The State-Only permit was administratively amended in order to incorporate the provisions of Plan Approval No. 67-03172B. Application received: July 24, 2023. Issued: September 1, 2023.

28-05002: US Army Letterkenny Army Depot, AMLD-EN, Chambersburg, PA 17201-4150, Letterkenny Township, **Franklin County**. For the Letterkenny Army Depot. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 28-05002S. Application received: July 5, 2023. Issued: August 29, 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.

46-00112: Palmer International, Inc., 2036 Lucon Rd, Skippack, PA 19474, Skippack Township, **Montgomery County**. Pursuant to 25 Pa. Code § 127.450, the State Only Operating Permit has been amended to incorporate Plan Approval No. 46-0112H. Pursuant to 25 Pa. Code § 129.449, this State Only Operating Permit also authorizes a de minimis increase in VOC emissions resulting during the Grinding and Screening Bypass scenario (Source ID 130). Application received: June 21, 2023. Issued: August 29, 2023.

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

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.

01-03020: Genlyte Thomas Group LLC, 100 Craftway Drive, Littlestown, PA 17340, Littlestown Borough, **Adams County**. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.24 tpy of PM₁₀, for the operation of a shot blast machine controlled by cartridge filters at the lighting fixture manufacturing facility. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

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.

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.

46-00253: Valley Forge, Inc., 450 East Valley Forge Road, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. This action is for the revocation of the State Only (Synthetic Minor) Operating Permit for the facility. On February 14, 2023, Valley Forge, Inc., relinquished possession of the facility and all sources to PECO Energy Company through Condemnation/Eminent

Domain Proceedings. As Valley Forge, Inc. no longer retains access to or control of the facility and sources, the State Only Operating Permit is no longer needed and is revoked. Since the facility has been shut down for less than 1 year, DEP has maintained the facility's air contaminants in the Commonwealth's air contaminant emission inventory (AIMS), pending a potential request for Emission Reduction Credits (ERCs) as per 25 Pa. Code §§ 127.206—127.208. Application received: March 1, 2023. Revoked: August 29, 2023.

GP5-15-00001A: Columbia Gas Transmission, 310 Fellowship Road, Chester Springs, PA 19425, West Vincent Township, **Chester County**. Columbia Gas Transmission owns and operates the Eagle Compressor Station in West Vincent Township, Chester County. The General Plan Approval and Operating Permit (GP5-15-00001A) was revoked because the Sources 701—704 located at the facility have been permanently shut down and removed. Application received: June 1, 2023. Revoked: August 30, 2023.

15-00130: Schramm West Chester Facility, 800 Lincoln Ave, West Chester, PA 19380-4411, West Goshen Township, **Chester County**. The Department performed a closure inspection on May 31, 2023 that revealed the permanent cessation of all operations regulated under State Only Operating Permit (SOOP) No. 15-00130. Therefore, in accordance with the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, as amended, and with Chapter 127 regulations, 25 Pa. Code § 127, the DEP revokes SOOP No. 15-00130. Application received: March 31, 2023. Revoked: August 29, 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

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. 11070201. Ridge Energy Company, 265 Swamp Road, Clymer, PA 15728, Washington Township, **Cambria County**. Renewal for reclamation

only of a coal refuse reprocessing surface affecting 87.8 acres. Receiving streams: unnamed tributary to/and Bear Rock Run and Burgoon Run classified for the following use: CWF. Application received: July 7, 2023. Renewal issued: August 30, 2023.

Mining Permit No. 56070107. NPDES No. PA0262382. Coal Loaders, Inc., 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, Brothersvalley and Summit Townships, **Somerset County**. Permit transfer from Fieg Brothers, P.O. Box 38, Berlin, PA 15530, for the continued operation and restoration of a bituminous surface and auger mine affecting 267.7 acres. Receiving streams: Buffalo Creek and Piney Run to Casselman River classified for the following uses: CWF and WWF. Application received: December 13, 2022. Issued: August 29, 2023.

Mining Permit No. 32120103. Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, Banks Township, **Indiana County**. Permit renewal for reclamation only on a bituminous surface mine affecting 36 acres. Receiving streams: unnamed tributary to/and Horton Run, unnamed tributary to Cush Creek, classified for the following use: CWF. Application received: February 27, 2023. Renewal issued: August 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

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

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

Permit No. 63234104. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141, Morris Township, **Washington County**. Blasting activity permit issued for a commercial development with an expiration date of December 23, 2024. Application received: August 28, 2023.

Permit No. 02234103. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141, Findlay Township, **Allegheny County**. Blasting Activity Permit for a commercial development with an expiration date of December 31, 2023. Application received: September 1, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 38234114. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, North Cornwall Township, **Lebanon County**. Construction blasting for North Cornwall Commons. Application received: August 22, 2023. Permit issued: August 28, 2023. Expiration date: August 21, 2024.

Permit No. 38234115. Douglas Explosives, Inc., 2052 Philipsburg Bigler Highway, Philipsburg, PA 16866, South Annville Township, **Lebanon County**. Construction blasting for First Energy Substation Eagle Point. Application received: August 25, 2023. Permit issued: August 29, 2023. Expiration date: December 30, 2023.

Permit No. 15234107. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, West Brandywine Township, **Chester County**. Construction blasting for Harvest Run Phase 1. Application received: August 23, 2023. Permit issued: August 30, 2023. Expiration date: March 31, 2024.

Permit No. 22234105. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Middletown Borough, **Dauphin County**. Construction blasting for Woodland Hills Phase 4, 5 & 7. Application received: August 28, 2023. Permit issued: August 30, 2023. Expiration date: August 24, 2024.

Permit No. 67234108. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Fairview Township, **York County**. Construction blasting for Sienna Phase 1 & 2. Application received: August 21, 2023. Permit issued: August 30, 2023. Expiration date: August 21, 2024.

Permit No. 09234108. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Middletown Township, **Bucks County**. Construction blasting for NFI Middletown Warehouse. Application received: August 23, 2023. Permit issued: August 31, 2023. Expiration date: August 28, 2024.

Permit No. 67234109. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, Conewago Township, **York County**. Construction blasting for Stonegate IV. Application received: August 28, 2023. Permit issued: August 31, 2023. Expiration date: August 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.

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

Contact: Kipp Starks, Aquatic Biologist 2, 814-342-8110.

E1404223-002. US Fish and Wildlife Service, 110 Radnor Rd, Suite 101, State College, PA 16801, Boggs Township, Centre County. U.S. Army Corps of Engineers Baltimore District.

The applicant is proposing to restore 700 feet of Wallace Run (HQ—CWF, MF) by establishing a more stable alignment and reducing streambank erosion. The proposed alignment will return the stream to its 1971 location. The project involves excavation of sediment from two inside bends gravel bars, filling two outside bends where the stream is eroding the bank, and installation of six log vanes. The log vanes are designed to reduce bank erosion through the realigned reach and provide habitat for aquatic organisms. The project will permanently impact 0.361 acre of stream channel by the realignment. There are no wetlands within the limits of disturbance and no known threatened or endangered species in the area. Latitude: 40° 56' 50.23", Longitude: -77° 49' 44.11". Application received: April 24, 2023. Permit issued: August 23, 2023.

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.

E4802122-007. PA Department of Transportation, Eng District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Bath Borough, Northampton County. U.S. Army Corps of Engineers Philadelphia District.

The following impacts are associated with the SR 0248 Section 05S project: 1. To remove the existing structure and to construct and maintain a 53' wide single span composite plank beam bridge carrying SR 0248 across Monocacy Creek (HQ—CWF, MF) having a 28' normal clear span and a 4.65' minimum underclearance and to construct and maintain appurtenant structure features. 2. To conduct approximately 125-LF of streambank grading, both upstream and downstream of the proposed bridge, will occur to accommodate the proposed structure. In addition, approximately 40-LF of stream bank protection consisting of a mudd sill structure will be installed on the western upstream bank. 3. To construct and maintain an outfall in the floodway of Monocacy Creek (HQ—CWF) consisting of an 18" pipe. The project is located along SR

0248 Sec 05S, Segment 0280 Offset 2456, approximately 0.1 mile south of the SR 0248/SR 987 intersection (Catawauqua, PA Quadrangle Latitude: 40.726908°N, Longitude: -75.395322°W). Application received: October 19, 2022. Issued: August 30, 2023.

E3902122-003. PA Department of Transportation, Eng District 5-0, 1002 Hamilton Street, Allentown, PA 18101, South Whitehall Township, Upper Macungie Township, Lehigh County. U.S. Army Corps of Engineers Philadelphia District.

To authorize the following water obstructions and encroachments associated with the SR 0309 Section 12M Project: Outfalls 1. To construct and maintain an outfall in the floodway of Cedar Creek (HQ—CWF, MF) consisting of a 24" diameter CMP, an endwall and a riprap apron. Wetland Fill 2. To impact a de minimus area of PEM wetland equal to 0.02 acre due to construction of the proposed roadway slope embankment and the construction of a stormwater basin. Floodway Fill 3. To impact approximately 0.27 acre of floodway of Little Cedar Creek (HQ—CWF, MF) for the placement of fill and stream restoration related grading. Stream Enclosure Maintenance 4. To perform maintenance on an existing stream enclosure that carries SR 309 across Little Cedar Creek that includes replacing a portion of the downstream side of the structure. The proposed enclosure will be 134-ft wide with a normal clear span of 17-ft and a 5-ft minimum underclearance. Stream Restoration 5. To impact 360-LF of Little Cedar Creek (HQ—CWF, MF) for multiple activities upstream and downstream of the culvert carrying SR 309 over Little Cedar Creek. The proposed work includes the removal of existing concrete channel lining, the construction of a preformed scour hole, streambed grading, and the placement of riprap in the watercourse and on the streambanks. The proposed project is located along SR 309 and extends from the US-22 interchange ramps and continues south to the I-78 interchange ramps. (Allentown West, PA Quadrangle: Latitude: 40.599575 Longitude: -75.559253 to Latitude: 40.581269; Longitude: -75.552633) in South Whitehall and Upper Macungie Townships, Lehigh County. Application received: March 4, 2022. Issued August 31, 2023.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E2506223-002. Maleno Land Development Co LLC, 2340 West Grandview Boulevard, Suite 1, Erie, PA 16506, Harborcreek Township, Erie County. U.S. Army Corps of Engineers Pittsburgh District.

Impact 0.25 acre of wetland (PFO) for the construction of a residential subdivision at the end of Elsie Street ACOE Pittsburgh District (Erie North, PA Quadrangle N: 42.15888°; W: -80.00121°) in Harborcreek Township, Erie County. Mitigation for project impacts is through payment to DEP's PIECES Fund. Latitude: 42.15888°, Longitude: -80.00121°. Application received: April 11, 2023. Issued: September 1, 2022.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E6703222-008. NorthPoint Development, 3315 North Oak Trafficway, Kansas City, MO 64116, Manchester Township, York County. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 13.63-foot high by 39.0-foot wide by 96.0-foot long open-bottom, precast, arch culvert stream crossing of a UNT to Little Conewago Creek (TSF, MF); install and maintain a 12.0-inch ductile iron water main, a 15.0-inch HDPE stormwater pipe, and an 8.0-inch ductile iron sanitary sewer line, all within the roadway fill above a UNT to Little Conewago Creek (TSF, MF); place and maintain fill in 954 linear feet of stream channel between three (3) separate UNTs to Little Conewago Creek (TSF, MF); place and maintain fill in 3.80 acres of floodway between ten (10) separate UNTs to Little Conewago Creek (TSF, MF), and place and maintain fill in 0.37 acre of palustrine wetlands between eight (8) separate wetlands, all located at the southwest corner of Canal Road and Route 83 in Manchester Township, York County (Latitude: 40.0469; Longitude: -76.7558). The project will also include 1.36 acres of palustrine wetland creation/enhancement and 1,017 linear feet of stream channel & floodway restoration of a UNT to Codorus Creek (WWF, MF; Latitude: 40.0122; Longitude: -76.7364) as compensatory mitigation for the unavoidable water resource impacts associated with the project. Latitude: 40.0122°, Longitude: -76.7364°. Application received: September 22, 2022. Issued: August 31, 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.

E4601222-016. Southeastern Pennsylvania Transportation Authority (SEPTA), 1234 Market Street, Philadelphia, PA 19107, Conshohocken Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain parking improvements for the SEPTA Conshohocken Train Station. The project includes a parking structure, a parking lot for SEPTA customers, sidewalks, shared use path, and stormwater management, etc., within the floodway/floodplain of the Schuylkill River (WWF-MF), associated with the improved access to the rail transit for the residents. The site is about 0.25-mile northeast of 10 Washington Street (Norristown, PA USGS Quadrangles) in Conshohocken Borough, Montgomery County. Latitude: 40.07460°, Longitude: -75.31360°. Application received: June 30, 2022. Issued: August 28, 2023.

E5101222-016. Woods Grove Capital, LLC, 15 Woods Grove Road, Westport, CT 06880, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

Woods Grove Capital, LLC is proposing to perform the following water obstruction and encroachment activities associated with the construction of a 40,165 sq ft warehouse: 1) To fill wetland area (Wetland A PEM) for site development resulting in 197 linear feet (13,456 sq ft, 0.309 acre) of permanent wetland impact. 2) To fill wetland area (Wetland B PEM) for site development resulting in 95 linear feet (4,818 sq ft, 0.11 acre) of permanent wetland impact. This project is located at 13000 McNulty Road, Philadelphia, PA 19154, City of Philadelphia, Philadelphia County (USGS PA Beverly Quadrangle). Latitude: 40.110240°, Longitude: -74.981106°. Application received: October 5, 2022. Issued: August 28, 2023.

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

Contact: D. J. Stevenson, 412-442-4281.

E3007223-006. CNX Midstream Operating Company LLC, 1000 Horizon Vue Drive, Canonsburg, PA 15317, Morris Township, **Greene County**. U.S. Army Corps of Engineers Pittsburgh District. Latitude: 40.010166°, Longitude: -80.289138°. Application received: June 13, 2023. Issued: August 31, 2023.

This small project joint permit application proposes to expose approximately 380 LF of three (3) existing pipelines, one (1) 12" HDPE combination (fresh/produced) water and two (2) 10" steel gas pipelines, through Regulated Waters of the Commonwealth in preparation for longwall mining activities under these pipelines. Exposure of Pipeline exposure is anticipated to last approximately one (1) year and will result in temporary impacts to one (1) stream and two (2) associated stream floodways (UNTs to Bates Fork, a High-Quality Warm Waters Fishery). Total proposed earth disturbance for this project is 27.8 acres. Proposed project impacts include excavation to expose the existing pipelines, stockpiling of soils, installation of temporary flume pipe, installation of monitoring equipment, installation of erosion and sediment controls, maintenance as necessary to repair flume pipe and/or pipelines through these resources in the event of damage due to subsidence, and site restoration post-construction.

<i>Resource Name</i>	<i>Aquatic Resource Type</i>	<i>Activity</i>	<i>Chapter 93 Designation</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Area Temp. (LF)</i>	<i>Impact Area Temp. (Ac)</i>	<i>Impact Area Perm. (Ac)</i>
Stream 7 (UNT to Bates Fork)	Intermittent	Flume Pipe	HQ—WWF	180 SF	60 LF	0.004	-
Stream 7 (UNT to Bates Fork)	Intermittent	Excavation	HQ—WWF	135 SF	45 LF	0.003	-
Stream 7 (UNT to Bates Fork) floodway	Intermittent	Floodway Activity (Excavation; Construction)	HQ—WWF	14,586 SF	-	0.33 Ac	-
Stream 11 (UNT to Bates Fork) floodway	Intermittent	Floodway Activity (Excavation; Construction)	HQ—WWF	12,425 SF	-	0.29 Ac	-
<i>Total Impacts</i>				27,191 SF	60 LF	0.63 Ac	-

Contact: Dana Drake, Program Manager, 412-442-4000.

E0205223-002. Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: Construct and maintain utility line crossings of twelve (12) unnamed tributaries (UNTs) to Becks Run (WWF), Becks Run (WWF), and four (4) PEM wetlands, consisting of two (2) parallel 42-inch diameter pipes, for the purpose of abandoning and replacing approximately 1.8 miles of existing raw water mains, consisting of three (3) existing 24-inch diameter mains, within Becks Run Road in Baldwin Borough and the City of Pittsburgh. In addition, a 36-inch diameter temporary pipe will be installed within an existing easement for a 36-inch diameter water main which runs parallel to Becks Run Road to maintain service during construction. The proposed project will result in the following total impacts: • 720 square feet (0.017 acre) and 40 linear feet of permanent stream impacts • 1,999 square feet (0.046 acre) and 351 linear feet of temporary stream impacts • 2,733 square feet (0.063 acre) of permanent floodway impacts • 9,310 square feet (0.214 acre) of temporary floodway impacts • 8,355 square feet (0.192 acre) of temporary wetland impacts. The project site is located along and in Becks Run Road between East Carson Street and Agnew Road (Pittsburgh East, PA USGS topographic quadrangle; Sub-basin 19A). Latitude: 40° 24' 38", Longitude: -79° 57' 23". Application received: January 17, 2023. Issued: August 29, 2023.

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.

D19-016EA. Mark Baker, Veolia Water Pennsylvania, 6310 Allentown Blvd, Ste 104, Harrisburg, PA 17112, City of Bloomsburg and Montour Township, **Columbia County**. U.S. Army Corps of Engineers Baltimore District.

The Department of Environmental Protection, Division of Dam Safety (Department) has reviewed and approved the restoration plan to remove the Boone Dam to eliminate a threat to public safety and to restore approximately 4,500 feet of stream channel to a free-flowing condition. The entire spillway will be removed but the left abutment will remain for bank stability. The project is located across Fishing Creek (WWF, MF) (Catawissa, PA Quadrangle, Latitude: 40.9871°, Longitude: 76.4753°). Application received: May 25, 2023. Approved: August 29, 2023.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

EA3206223-001. Indiana County Conservation District, 435 Hamill Road, Indiana, PA 15701, White Township, **Indiana County**. U.S. Army Corps of Engineers Pittsburgh District.

The Lucerne 3A Passive Treatment System project, which involves the replacement of an existing failing active lime silo doser treatment system with a passive treatment system for the abatement of abandoned mine drainage. This system will include two 1,800-ton Vertical

Flow Ponds and a 1/2 acre aerobic wetland. This system will prevent >70 tons of pollution from entering Two Lick Creek annually, providing additional recreational opportunities through improved water quality. A Growing Greener Grant has been received for this project. Latitude: 40.597743°, Longitude: -79.122069°. Application received: July 11, 2023. Issued: August 21, 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-EPEASTERNOPR@pa.gov.

ESCGP # 3 ESG295823012-00

Applicant Name **Coterra Energy Inc.**

Contact Person Kenneth Marcum

Address 2000 Park Lane, Suite 300

City, State, Zip Pittsburgh, PA 15275

Township(s) Dimock Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) UNT to White Creek (CWF, MF), West Creek (CWF, MF)

Application received: June 1, 2023

Issued: September 5, 2023

ESCGP # 3 ESG290823010-00

Applicant Name **Chesapeake Appalachia LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Wysox Township

County **Bradford County**

Receiving Stream(s) and Classification(s) Trib. 29978 to Rummerfield Creek (WWF, MF), Trib. 30067 to Johnson Creek (CWF, MF)
 Application received: July 27, 2023
 Issued: September 5, 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 **ESG073023015-00**
 Applicant Name **EQM Gathering Opco LLC**
 Contact Person Thomas Glisson, (412) 295-1697
 TGlisson@equitransmidstream.com
 Address 0.1 mile east of Mankey Road and Browns Creek Road
 City, State, Zip Graysville, PA 15337
 Township(s) Morris Township
 County **Greene County**
 Receiving Stream(s) and Classification(s) 001. Lat 39.97504, Long -80.32854, UNTs to Browns Creek, Ch 93
 Class: HQ—WWF
 Application received: July 12, 2023
 Issued: August 29, 2023

ESCP # **ESP07652300100E**
 Applicant Name **Hyperion Midstream, LLC**
 Contact Person Brian Dillemath, (724) 754-0110
 bdillemath@olympusenergy.com
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 Township(s) Salem Township, Washington Township and Murrysville Borough
 County **Westmoreland County**
 Receiving Stream(s) and Classification(s)—Unnamed Tributaries (42980, 42985, 42987, 42991, and 42992) to Thorn Run (HQ—CWF), Thorn Run (HQ—CWF), Unnamed Tributaries (37434 and 37429) to Steels Run (HQ—CWF), Unnamed Tributaries (43018, 43017, 43013, 43022, 43023, 43021, and 43013) to Beaver Run (HQ—CWF), Beaver Run (HQ—CWF), Porters Run (HQ—CWF)
 Application received: July 11, 2023
 Issued: August 30, 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 contami-

nants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Kratzer Oil Shamokin Dam, Storage Tank Facility ID # **55-24517**, 2986 N Susquehanna Trail, Shamokin Dam, PA 17876, Shamokin Dam Borough, **Snyder County**. Gary C Calvert LLC, 513 Allegheny Street, Suite 1, Hollidaysburg, PA 16648, on behalf of Kratzer Oil Company, 150 East Drive, Sunbury, PA 17801 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

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

Contact: Eric Supey, Environmental Program Manager.

Former H. John Davis Oil Company, Storage Tank Facility ID # **45-10210**, 1180 Corporate Center Drive, Tobyhanna, PA 18466, Coolbaugh Township, **Monroe County**. Environmental Consulting Inc., 2002 Renaissance Blvd, Suite 110, King of Prussia, PA 19406, on behalf of Imperial Realty Group, LLC, 1611 Pond Road, Suite 200, Allentown, PA 18104 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide health standards.

Former Boyer's Service Station, Storage Tank Facility ID # **35-50045**, Routes 435 and 502, Covington Township, PA 18444, Covington Township, **Lackawanna County**. Liberty Environmental, 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of Doug Boyer, 6025 Marella Drive, Sarasota, FL 34243 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting site-specific standards.

Sunoco 0364 1891, Storage Tank Facility ID # **40-24243**, 64 State Route 93, West Hazleton, PA 18202, Sugarloaf Township, **Luzerne County**. EnviroTrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco, Inc., 2 Wrighter Parkway, Suite 102, Wilmington, DE 19803 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 standards.

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

Contact: Ben, 814-350-5132.

Ceriani Transport, Inc., Storage Tank Facility ID # **24-29293**, 1274 Toby Road, Brockport, PA 15823, Horton Township, **Elk County**. Gary C. Calvert LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Ceriani Transport, Inc., 1274 Toby Road, Brockport, PA 15823 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 Statewide health standards.

Contact: Natalie, 814-332-6648.

Creekside Mushrooms LTD, Storage Tank Facility ID # **03-07916**, 1 Moonlight Drive, Worthington, PA 16262, West Franklin Township, **Armstrong County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Creekside Mushroom Ltd, 1 Moonlight Drive, Worthington, PA 16262 submitted a Remedial Action Plan concerning remediation of 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.

Chester Delta, Storage Tank Facility ID # **15-42590**, 1209 Wilmington Pike, West Chester, PA 19382, Thornbury Township, **Chester County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2 and 3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 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.

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.

Brentzel Management, Storage Tank Facility ID # **65-21283**, 10891 Route 993, Irwin, PA 15642, North Irwin Borough, **Westmoreland County**. RT Environmental Services, Inc., 2001 Waterdam Plaza Drive, Suite 205, Canonsburg, PA 15317, on behalf of Brentzel Management, LLC, 10891 Route 993, Irwin, PA 15942 submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline and diesel fuel. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

PSK Auto Repair, Storage Tank Facility ID # **02-01036**, 1901 Lincoln Way, White Oak, PA 15131, White Oak Borough, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Michael Maleski, 1901 Lincoln Way, White Oak, PA 15131, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is in-

tended to document the remedial actions for meeting residential Statewide health standards.

Greensburg Cemetery, Storage Tank Facility ID # **65-10207**, 179 Donohoe Road, Greensburg, PA 15601, Hempfield Township, **Westmoreland County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Roman Catholic Diocese of Greensburg, 179 Donohoe Road, Greensburg, PA 15601 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

421 Rodi Road, Storage Tank Facility ID # **02-29678**, 421 Rodi Road, Pittsburgh, PA 15235, Penn Hills Township, **Allegheny County**. Synergy Environmental, Inc., 7135 North Lima Road, Youngstown, OH 44514, on behalf of Energy Realty OP II LP, 645 West Hamilton Street, Suite 400, Allentown, PA 18101 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

BFS Connellsville, Storage Tank Facility ID # **26-31699**, 1014 Morrell Avenue, Connellsville, PA 15425, City of Connellsville, **Fayette County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508 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.

Easy Trip # 353, Storage Tank Facility ID # **02-26628**, 1717 Freeport Road, Natrona Heights, PA 15065, Harrison Township, **Allegheny County**. BJAAM Environmental, Inc., P.O. Box # 523, Canal Fulton, OH 44614, on behalf of EZ Energy USA, Inc., 121 North Leavitt Road, # 155, Amherst, OH 44001 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 residential Statewide health standards.

Fueland # 220, Storage Tank Facility ID # **02-82479**, 710 Brown Avenue, Turtle Creek, PA 15145, Wilkins Township, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 15237 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.

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.

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.

Tony's Auto Center, Storage Tank Facility ID # **02-81181**, 5607 Library Road, Bethel Park, PA 15102, Bethel Park Borough, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Anthony Colavecchia, 5607 Library Road, Bethel Park, PA 15102 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and used motor oil. The combined plan and report nonresidential did not demonstrate attainment of the Statewide health and site-specific standards and was disapproved by DEP on August 29, 2023.

SPECIAL NOTICES

WATER PROGRAMS

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).

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: RA-EPREGIONALPERMIT@pa.gov.

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. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Regional Permit Coordination Office as noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates.

More information regarding the permit applications related to this proposed project may be available online (dep.pa.gov/pipelines) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or RA-EPREGIONALPERMIT@pa.gov.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

Persons with a disability that require an auxiliary aid, service or other accommodation should contact the specified Department office. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

E1583223-013. Texas Eastern Transmission, LP, 11 East Superior Street, Suite 125, Duluth, MN 55802. Spring City Borough & Upper Providence Township, **Chester County** and **Montgomery County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 20-inch diameter natural gas pipeline across the Schuylkill River (WWF, MF) via Horizontal Directional Drill. The project proposes impacts to approximately 398 feet of the Schuylkill River, 4.88 acres of floodway, 0.67 acre of temporary impacts to a PEM wetland (EV), and 0.78 acre of a permanent conversion to a PFO wetland (EV). The project will also remove the existing 20-inch natural gas pipeline across the river.

The proposed project is located within the Schuylkill River, approximately 850 feet downstream of the Spring City Boat Launch (Phoenixville, PA Quadrangle, Latitude: 40.172553°; Longitude: -75.534734°) in Spring City Borough, Chester County and Upper Providence Township, Montgomery County.

[Pa.B. Doc. No. 23-1254. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of National Pollutant Discharge Elimination System General Permit for Discharges from the Application of Pesticides (PAG-15)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, informs the public of the availability of the final National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from the Application of Pesticides (PAG-15) for a new 5-year term. The PAG-15 General Permit will become effective on October 29, 2023, and will expire on October 28, 2028.

The PAG-15 General Permit is intended to provide NPDES permit coverage to persons applying pesticides that result in discharges to surface waters of this Commonwealth where applicants meet the eligibility requirements of the PAG-15 General Permit.

Notice of the availability of a draft PAG-15 General Permit was published at 53 Pa.B. 2810 (May 20, 2023). A 30-day comment period was provided, and interested parties were directed to submit comments to the Department's eComment system. The Department received comments from one individual. A comment response document has been developed to address the comments received.

Significant changes were not made to the final PAG-15 General Permit in comparison to the draft PAG-15 General Permit that was published at 53 Pa.B. 2810.

Permittees with existing coverage under the PAG-15 General Permit will be required to submit a renewal Notice of Intent (NOI) to maintain continued coverage under the PAG-15 General Permit by October 28, 2023. The Department will transmit notification to all existing PAG-15 permittees explaining the changes to the terms and conditions of General Permit coverage.

The PAG-15 NOI fee is \$2,500 to be paid in \$500 annual increments. The NOI fee does not apply to entities satisfying the criteria for an exemption under 25 Pa. Code § 92a.26(i) (relating to application fees).

Under 25 Pa. Code § 92a.23(c) (relating to NOI for coverage under an NPDES general permit), an NOI will not be required for permittees who apply pesticides below the thresholds listed in the PAG-15 General Permit. The potential for toxic impacts to nontarget species is expected to be low when used according to the pesticides label, and these discharges are not expected to have a cumulative impact on surface waters of this Commonwealth.

The PAG-15 General Permit package can be accessed online through the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-15—NPDES General Permit for Point Source Discharges to Waters from PA from Application of Pesticides 3800-PM-BCW0345").

In accordance with 25 Pa. Code § 92a.84(c)(3) (relating to public notice of general permits), the Department will

publish notice in the *Pennsylvania Bulletin* for every approval of coverage under the PAG-15 General Permit.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1255. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of National Pollutant Discharge Elimination System General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, informs the public of the availability of the final National Pollution Discharge Elimination System (NPDES) General Permit for Operation of Concentrated Animal Feeding Operations (CAFO) (PAG-12) for a new 5-year term. The PAG-12 General Permit will become effective on January 1, 2024, and will expire on December 31, 2028.

The PAG-12 General Permit is intended to provide NPDES permit coverage to persons who own or operate CAFOs that must obtain permit coverage under State (25 Pa. Code § 92a.29(a)—(d) (relating to CAFO) and Federal (40 CFR 122.23(a) (relating to concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25)) regulations. The PAG-12 General Permit may not be used for discharges to waters designated for special protection under 25 Pa. Code Chapter 93 (relating to water quality standards) or other discharges that do not meet eligibility requirements of the PAG-12 General Permit.

Notice of the availability of a draft PAG-12 General Permit was published in the *Pennsylvania Bulletin* at 52 Pa.B. 6265 (October 1, 2022). A 30-day comment period was provided and interested parties were directed to submit comments to the Department's eComment system. The comment period ended on October 31, 2022. The Department received comments from four individuals and organizations during the comment period. A comment and response document has been developed by the Department.

The following significant change was made to the final PAG-12 General Permit documents in comparison to the draft General Permit published on October 1, 2022:

- In the draft PAG-12, the Department had proposed a requirement for CAFO applicants to complete and submit a "Best Management Practice (BMP) Checklist for Total Maximum Daily Load (TMDL) Waters" with a PAG-12 renewal Notice of Intent (NOI) when the CAFO is located within a watershed with an approved TMDL. The Department has removed this checklist from the final PAG-12 General Permit package and has replaced it with an internal evaluation process that will be used to guide decision-making concerning PAG-12 eligibility when a CAFO is located in a watershed that is impaired for sediment or nutrients, or both, as explained in the final PAG-12 fact sheet.

Permittees with existing coverage under the PAG-12 General Permit will be required to submit a renewal NOI to maintain continued coverage under the PAG-12 General Permit by December 31, 2023. The Department will transmit notification to all existing PAG-12 permittees explaining the changes to the terms and conditions of General Permit coverage.

There is no NOI fee for PAG-12 coverage when: a CAFO is new (proposed); an operation will be considered a CAFO for the first time due to expansion, changes to standard animal weights or designation by the Department; and an NOI is submitted to remain covered under a reissued or modified PAG-12. There is a \$500 NOI fee when an existing CAFO with an individual permit seeks coverage under PAG-12 and when an existing CAFO with PAG-12 coverage seeks to amend that coverage. In addition, there is a \$500 annual NOI installment fee that is due by December 31 each year to remain covered under PAG-12.

The PAG-12 General Permit package can be accessed online through the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations 3800-PM-BCW0032").

In accordance with 25 Pa. Code § 92a.84(c)(2) (relating to public notice of general permits), the Department will publish notice of receipt of every PAG-12 NOI (form 3800-PM-BCW0032b) and every approval of coverage under the PAG-12 General Permit in the *Pennsylvania Bulletin*.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1256. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should contact the person whose name and phone number are listed with each document.

Interim-Final TGD: Substantive Revision

DEP ID: 015-0501-002. *Title:* Environmental Justice Policy. *Description:* This policy outlines the administration of the Department's Policies and Programs, which includes a process for enhanced engagement with individuals and communities in Environmental Justice (EJ) areas during the Department's environmental permit application review process. Additionally, the interim-final policy describes how the Department will integrate EJ considerations into Department-wide operations including: interagency collaboration and EJ planning; EJ mapping, resource and data development; grant program practices; translation processes; the Department's compliance and enforcement strategy; and EJ training for Department staff and external partners. This document is replacing Document Number 012-0501-002.

DEP ID: 015-0501-003. *Title:* Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Documentation 2023. *Description:* The purpose of the PennEnviroScreen Methodology Documentation is to explain rationale behind the PennEnviroScreen tool used to implement the EJ Policy (EJ Policy) (Document Number 015-0501-002). PennEnviroScreen is available online at <https://gis.dep.pa.gov/PennEnviroScreen/> and will replace the EJ Areas Viewer in implementation of the new policy and as a tool for understanding EJ concerns.

Submitting Comments: The public comment period will cover comments on both Document Number 015-0501-002 EJ Policy and Document Number 015-0501-003 PennEnviroScreen Methodology Documentation 2023. Written and spoken testimony both carry the same weight. Language interpretation services are available upon request and written comments are accepted in any language. Persons in need of language interpretation services must contact Jennifer McLuckie at (717) 772-5633 or RA-EPOEJ@pa.gov a week in advance of each meeting to allow time to find an interpretation service.

Written Comments: Interested persons may submit written comments on this draft policy through Sunday, October 29, 2023. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit written comments using the Department's online eComment tool for Policies at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Individuals should include or reference Document Number 015-0501-002 when submitting their comments.

Public Comment Meetings: The Department is holding two virtual public comment meetings and seven in-person public comment meetings for the purpose of accepting comments on the interim-final EJ Policy and related PennEnviroScreen Methodology Documentation. During the meeting portion of the event, the Department will describe the EJ Policy and PennEnviroScreen tool. The meeting will include time for public questions on the EJ Policy and PennEnviroScreen.

After the meeting portion, a public hearing will be held at the same location as the public information meeting. The hearing is intended to allow for public testimony on the EJ Policy and PennEnviroScreen tool. The Department will record testimony and receive written comments

at the hearing portion of the meeting. Written and spoken testimony both carry the same weight, so commentators can present in the method most convenient to them. Verbal testimony is limited to 5 minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf at one meeting to allow time for residents and community members to testify. There is no limit to the number of community residents testifying on their own behalf. Witnesses at the virtual public comment meetings may provide testimony by means of telephone or Internet connection. In-person public comment meetings will not have a virtual component. The meetings will be held as follows:

Wednesday, October 11, 2023, 5 p.m.—7 p.m.
Virtual—See www.dep.pa.gov/EJPolicyRevision for registration information.

Thursday, October 12, 2023, 6 p.m.—8 p.m.
Brady Fire Company (Banquet Hall)
700 Maple Street
Ranshaw, PA 17866

Monday, October 16, 2023, 6 p.m.—8 p.m.
University of Scranton Loyola Science Center
100 Linden Street, Room 133
Scranton, PA 18510

Wednesday, October 18, 2023, 5 p.m.—8 p.m.
Erie Center for Arts and Technology
Lawrence Community Room
650 East Avenue
Erie, PA 16503

Wednesday, October 18, 2023, 6 p.m.—7:30 p.m.
North Side Institution GOGIC
Banquet Hall
302 West North Avenue
Pittsburgh, PA 15212

Thursday, October 19, 2023, 6 p.m.—8 p.m.
YMCA Camp Curtin
2135 North Sixth Street
Harrisburg, PA 17110

Saturday, October 21, 2023, 10 a.m.—12 p.m.
ACCESS Community Center
701 Booth Street
Chester, PA 19013

Wednesday, October 25, 5 p.m.—7 p.m.
Virtual—See www.dep.pa.gov/EJPolicyRevision for registration information.

Thursday, October 26, 2023, 5 p.m.—9 p.m.
Drexel University
3141 Chestnut Street
Philadelphia, PA 19104

Persons wishing to reserve time to present testimony at a meeting must contact Jennifer McLuckie at (717) 772-5633 or RA-EPOEJ@pa.gov at least 24 hours in advance of the hearing.

Information on how to access the virtual public comment meetings and additional information on the in-person comment meetings will be available on the EJ webpage and found through the Public Participation tab on the Department's web site at www.dep.pa.gov/EJPolicyRevision. Prior to each meeting, individuals are encouraged to visit the EJ webpage for the most current information for accessing each meeting.

Members of the public wishing to observe the public comment meetings without providing testimony are also

encouraged to access the EJ webpage and register in advance to ensure there is adequate space for both the virtual and in-person comment meetings. If time allows, attendees who haven't previously registered will be allowed to testify.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact (717) 772-5633 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Contact: Questions regarding this policy can be directed to Jennifer McLuckie at RA-EPOEJ@pa.gov or (717) 772-5633.

Language Services: Persons in need of language interpretation services must contact Jennifer McLuckie at RA-EPOEJ@pa.gov or (717) 772-5633.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1257. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Rescission of Technical Guidance

The Department of Environmental Protection (Department) announces the rescission of the Technical Guidance Document (TGD) listed as follows. TGDs are available on the Department's web site at www.depgreenport.state.pa.us/elibrary/ (select "Technical Guidance Draft Documents" or "Technical Guidance Final Documents" to view a menu of various Department bureaus where TGDs are listed).

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Rescission of Technical Guidance

DEP ID: 012-0501-002. *Title:* Environmental Justice Public Participation Policy. *Description:* The purpose of this policy was to implement the public participation recommendations of the Environmental Justice Working Group Report of June 2001. Specifically, it provided direction and guidance to Department staff on how to identify an Environmental Justice area using the area of concern as it relates to specific permit applications and demographic data, and how to enhance public participation during the permitting process for some permits in these areas. This guidance is being updated and replaced with the Document Number 015-0501-002 Environmental Justice Policy. Therefore, this guidance is no longer needed.

Contact: Questions regarding the rescission of this guidance can be directed to Jennifer McLuckie at RA-EPOEJ@pa.gov or (717) 772-5633.

Effective Date: September 16, 2023

RICHARD NEGRIN,
Secretary

[Pa.B. Doc. No. 23-1258. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sewage Advisory Committee Meeting Postponed

The September 13, 2023, meeting of the Sewage Advisory Committee (Committee) is being postponed. The rescheduled date, time and place of the meeting will be published in a future issue of the *Pennsylvania Bulletin* when scheduled.

Information about Committee meetings, including agendas, meeting materials, and in-person and remote partici-

pation options, 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 "Water," then "Sewage 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 Committee can be directed to Janice Vollero at jvollero@pa.gov or (717) 772-5157.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 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. 23-1259. Filed for public inspection September 15, 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>
Jefferson Surgery Center—Langhorne	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 555.31(a) (relating to principle)
Regional Hospital Surgery Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5) (relating to director of nursing)
	28 Pa. Code § 559.3(c) (relating to nursing personnel)

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. 23-1260. Filed for public inspection September 15, 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>
Crozer-Chester Medical Center	28 Pa. Code § 101.4 (relating to definitions)
	28 Pa. Code § 109.7 (relating to nursing staff qualifications)
Grove City Hospital	28 Pa. Code § 103.31 (relating to the chief executive officer)
Heritage Valley Beaver	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Heritage Valley Sewickley	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Regional Hospital of Scranton	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Saint Vincent Hospital	28 Pa. Code § 103.31
Wellspan Chambersburg Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Wellspan Ephrata Community Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
	28 Pa. Code § 139.33(d) (relating to formula preparation)
Wellspan Gettysburg Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Wellspan Good Samaritan Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Wellspan Waynesboro Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Wellspan York Hospital	28 Pa. Code § 139.33(d)

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>
Allegheny Valley Hospital	2.1-3.5.2.1(2) general	22-O
	2.1-3.5.2.3(2)(a) handwashing station or hand scrub facilities	22-O
Uniontown Hospital	2.2-2.2.2.2(1) space requirements	22
	2.2-2.11.4 special patient care rooms	22

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. 23-1261. Filed for public inspection September 15, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.3 (relating to definitions):

Abington Manor
100 Edella Road
Clarks Summit, PA 18411
FAC ID # 053202

Country Meadows Nursing Center of Bethlehem
4025 Green Pond Road
Bethlehem, PA 18020
FAC ID # 096802

Laurel Lakes Rehabilitation and Wellness Center
201 Franklin Farm Lane
Chambersburg, PA 17202
FAC ID # 061302

Willowbrooke Court Skilled Care Center at Lima Estates
411 North Middletown Road
Lima, PA 19037
FAC ID # 151902

WillowBrooke Court Skilled Care Center at Normandy Farms Estates
8000 Twin Silo Drive
Blue Bell, PA 19422
FAC ID # 142502

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. 23-1262. Filed for public inspection September 15, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines regarding encouraging public partici-

pation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Board of Commissioners.

At the next Commission meeting on October 23, 2023, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.14. Catch and release fly-fishing only

The Commission will consider extending the limit to one stream section managed under the catch and release fly-fishing only regulation under 58 Pa. Code § 65.14 (relating to catch and release fly-fishing only):

County	Water
Lawrence	Slippery Rock Creek, Section 4, Heinz Camp lower property line downstream to the lower McConnells Mill State Park boundary line

Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-1263. Filed for public inspection September 15, 2023, 9:00 a.m.]

GAME COMMISSION

Recission of Rabbit Hemorrhagic Disease—Designation of Disease Management Area # 1

Executive Order

Whereas, Rabbit Hemorrhagic Disease (RHD) is a rapidly spreading, fatal disease in lagomorphs and is considered a foreign animal disease in the United States; and

Whereas, RHD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 et seq.) at 3 Pa.C.S. § 2321(d); and

Whereas, Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV2), a unique variant of RHD, has been detected in the United States in recent years and can infect all ages of a wide range of domestic and wild lagomorphs, including North American wild species of hares, jackrabbits, and cottontails; and

Whereas, In August 2022, RHDV2 was detected in a domestic rabbit facility in the City of Uniontown, Fayette County, Pennsylvania; and

Whereas, On September 28, 2022, the Executive Director of the Pennsylvania Game Commission (Commission) issued an executive order titled “RABBIT HEMORRHAGIC DISEASE—DESIGNATION OF DISEASE MANAGEMENT AREA # 1” to mitigate risks to wild lagomorphs within the Commonwealth; and

Whereas, The Commission’s RHD Management Plan states “[i]f no additional RHDV2 detections occur throughout the entire [RHD-Disease Management Area for 12 consecutive months, the RHD-DMA may be dissolved”]; and

Whereas, The Commission has recognized no additional RHDV2 detections within RHD—DISEASE MANAGEMENT AREA # 1 for the 12 consecutive months; and

Whereas, The Game and Wildlife Code (34 Pa.C.S. §§ 101, et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1, et seq.) collectively provide broad authority to the Commission to regulate activities relating to the protection, preservation, and management of all game and wildlife and their respective habitats (C.f. 34 Pa.C.S. §§ 322, 2101, and 2102); and

Whereas, Section 137.34 of the *Pennsylvania Code* (58 Pa. Code § 137.34) provides specific emergency authority to the Executive Director of the Commission to mitigate risk factors and determine the prevalence and geographic distribution of transmissible wildlife diseases of wild birds and mammals, excluding those species under Federal jurisdiction, if the introduction or spread of such diseases poses a threat to human, domestic and wild animal, or environmental health and safety within or adjacent to this Commonwealth; and

Whereas, The Commission has determined that rescission of the executive order creating RHD—DISEASE MANAGEMENT AREA # 1 is necessary to implement the Commission’s RHD Management Plan.

Now Therefore, I, Bryan J. Burhans, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct that the previous executive order titled “RABBIT HEMORRHAGIC DISEASE—DESIGNATION OF DISEASE MANAGEMENT AREA # 1” is hereby rescinded in its entirety.

2. This Order is effective immediately and shall remain in effect until replaced by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 1st day of September, 2023.

BRYAN J. BURHANS,
Executive Director

[Pa.B. Doc. No. 23-1264. Filed for public inspection September 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

Hamilton Re Ltd. has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth. The application was received on November 22,

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. 23-1265. Filed for public inspection September 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Transitions Healthcare Chambersburg, LLC

Transitions Healthcare Chambersburg, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Transitions Healthcare Shook Home in Chambersburg, PA. The initial filing was received on September 5, 2023, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority 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 details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1266. Filed for public inspection September 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Michael Robert Mey; Consent Order; Doc. No. CO19-04-015

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 (relat-

ing to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.36 (relating to Special Rules of Administrative Practice and Procedure) except as modified by order.

A prehearing telephone conference initiated by this office is scheduled for October 4, 2023, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before October 2, 2023. A hearing shall occur on October 18, 2023, at 1 p.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before September 20, 2023. The e-mail address to be used for the Administrative Hearings Office shall be ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before October 2, 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 should contact Joseph Korman at (717) 787-4429 or jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1267. Filed for public inspection September 15, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be governed in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for October 3, 2023, at 11 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 29, 2023.

The hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of American Family Connect Property and Casualty Insurance Company; Brock and Katie Glassford; File No. 23-116-284299; Doc. No. P23-08-040; October 18, 2023, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will

be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1268. Filed for public inspection September 15, 2023, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual No. 110.01—2024-25 Budget Instructions, Amended August 15, 2023.

Management Directive No. 525.12—Payment of Back Pay Due to Reinstatement of a Separated Employee or Reduction of Disciplinary Suspension, Amended August 11, 2023.

Administrative Circular No. 23-14—Holidays—2024, Dated August 16, 2023.

AMY J. MENDELSON,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 23-1269. Filed for public inspection September 15, 2023, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Assessment Approval for PENNVEST Funding Consideration

Scope: Clean Water and Drinking Water State Revolving Fund Projects for consideration at the October 18, 2023, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting.

Description: PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF)

and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Monday, October 16, 2023. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the CWSRF and DWSRF Programs, contact Richard Wright, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, riwright@pa.gov, or visit the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx.

Comments received during the comment period, along with the Department's comment and response document, will be available on the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx.

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST's web site at www.pennvest.pa.gov.

CWSRF Projects Being Considered:

<i>Applicant:</i>	Deer Creek Drainage Basin Authority
<i>County:</i>	Allegheny
<i>Applicant Address:</i>	945 Little Deer Creek Valley Road Russellton, PA 15076

Project Description: The Deer Creek Drainage Basin Authority proposes to replace an existing extended aeration treatment facility which was originally permitted in 1975. The new facility will keep the same hydraulic design capacity of 0.04 million gallons per day (MGD). The facility will have a peak instantaneous flow of 0.16 MGD and an organic design capacity of 95 lbs. 5-day biological oxygen demand per day. The plant will be replaced with a new precast concrete treatment plant including aeration, clarification and disinfection. There will be also 500 linear feet of site piping and restoration. In addition, the Deer Creek Drainage Basin Authority proposes to clean and replace or repair existing sanitary sewer collection system piping and appurtenances throughout its system. The work will consist of repairing 10,031 linear feet of 8-inch pipe through steam cured

lining installed by pre-cleaning, pre-televising and post-televising in areas containing defects within the lines. About 3,000 linear feet will be heavily cleaned and four district areas will have active infiltration control. Approximately 45 protruding taps are anticipated to be removed and 180 connections reinstated. In addition, dig and replace areas are proposed as infrastructure repairs in correcting the defects of the lines within the system.

Problem Description: The Deer Creek Drainage Basin Authority proposes to replace the existing sewage treatment plant serving the Hampshire Estates residential development in West Deer Township, Allegheny County. The existing Hampshire Estates Sewage Treatment Plant was constructed in the 1970's. The existing treatment facility is an underground steel structure experiencing structural distress with heavy corrosion and has reached the end of its useful life. The replacement or rehabilitation, or both, of existing sanitary sewer system components will correct defects by either lining or replacing pipes and manholes. During significant rainfall events, the Deer Creek Drainage Basin Authority is experiencing sanitary sewer overflows at the Rich Hill Pump Station (PS). This is due to the multiple defects within the collection system. These defects need to be corrected for improved infrastructure health of the collection system due to the inflow and infiltration the defects are causing.

<i>Applicant:</i>	Rimersburg Borough Municipal Authority
<i>County:</i>	Clarion
<i>Applicant Address:</i>	27 Main Street Rimersburg, PA 16248

Project Description: The Rimersburg Borough Municipal Authority is proposing to upgrade its existing wastewater treatment plant (WWTP). The upgrades to the WWTP include increasing the capacity from 200,000 gallons per day (GPD) to 400,000 GPD, installing a grit removal chamber and automated bar screening system and building, installing a second sequencing batch reactor (SBR) and installing new mechanical components for the existing SBR. It also includes lining the existing lagoon and permitting for use as an equalization basin, upgrading the supervisory control and data acquisition system, blowers and control building, and installing a new chlorine sterilization and dechlorination system to replace the existing chlorine system.

Problem Description: The WWTP was constructed in the early 1970's with a permitted hydraulic capacity of 200,000 GPD. It currently comprises of a manual bar rack, two SBRs, digester and chlorine contact tank. The plant does not contain solids handling equipment, therefore liquid sludge is periodically hauled from the site in trucks to other plants for disposal. It is undersized and antiquated. On average, the plant overflows 4-5 times each year. Additionally, it does not have automated sampling controls or telemetry so that the operator can make treatment adjustments remotely.

<i>Applicant:</i>	Aqua Pennsylvania
<i>County:</i>	Luzerne
<i>Applicant Address:</i>	762 Lancaster Avenue Bryn Mawr, PA 19010

Project Description: Aqua Pennsylvania proposes to upgrade the Laurel Lakes WWTP. This upgrade includes

replacing or rehabilitating multiple treatment components at the plant, including the comminutor and bypass bar racks, influent splitter box and the extended aeration wastewater treatment tanks. Additionally, a third treatment train and pumps will be added to ensure that the components can be taken offline for maintenance activities, while also ensuring redundancy. The existing aeration blowers will be removed from the operations building and relocated, and additional tank covers and grating with Institutional Biosafety Committee approved service platforms, walkways and railing systems will be installed.

Problem Description: The Laurel Lakes WWTP, located in Rice Township, Luzerne County, is approaching the end of its useful life and needs replacement or rehabilitation to operate more efficiently and safely. Additionally, there are multiple public and environmental health concerns including staff exposure to excessive noise levels caused by the existing aeration blowers and potential for slips and trips on service platforms, walkways and railing systems.

<i>Applicant:</i>	Aqua Pennsylvania
<i>County:</i>	Luzerne
<i>Applicant Address:</i>	762 Lancaster Avenue Bryn Mawr, PA 19010

Project Description: Aqua Pennsylvania proposes to upgrade the Rivercrest WWTP. This upgrade includes replacing or rehabilitating multiple treatment components at the plant. At the headworks of the plant, the influent sampling location will be moved as well as adding an automatically controlled pH adjustment system. The secondary treatment tank will be repaired or replaced. The aeration blowers will be replaced and relocated. The sludge holding tank will be replaced or repaired and be upgraded to allow for the ability to control the wasting and decanting processes. The disinfection system will be upgraded from a sodium hypochlorite system to an ultra-violet disinfection system. A dechlorination process will also be added to the facility. The waste from the existing bathroom in the operations building will also be re-routed to the WWTP instead of the existing onlot disposal system.

Problem Description: The Rivercrest WWTP is in Tunkhannock Township, Wyoming County. The treatment plant has been in service for over 50 years and some treatment components such as the secondary treatment tank, sludge holding tank and existing aeration blowers are approaching the end of their useful lives, while other components need upgraded to operate more efficiently and safely. The pH adjustment of the influent is currently controlled manually and is not operator friendly. The existing dechlorination process is not efficient and effective. Additionally, there are multiple public and environmental health concerns including staff exposure to excessive noise levels caused by the existing aeration blowers and the existing bathroom in the operations building discharges into an onlot disposal system of an unknown condition.

<i>Applicant:</i>	Lancaster Area Sewer Authority
<i>County:</i>	Lancaster
<i>Applicant Address:</i>	130 Centerville Road Lancaster, PA 17603

Project Description: The Silver Spring PS upgrade includes replacing the existing PS with a new wet-pit submersible PS, a new approximately 4,200 linear feet 10-inch force main and new mechanical and electrical systems. Three Flygt submersible sewage pumps will be installed at the PS. The pumps will discharge through a valve/meter vault to the new force main which will convey the PS effluent to an existing manhole. This new system will separate the Silver Spring PS from Farmdale PS, which currently share a force main.

Problem Description: The Silver Spring PS is in West Hempfield Township in the village of Silver Spring. The pump capacity is exceeded during wet weather peak flow events, resulting in the wet well surcharging and the immediate upstream manhole overflowing. As a result, the Lancaster Area Sewer Authority has been restricting the connection of new dwelling units. Additionally, the Lancaster Area Sewer Authority’s consulting engineer concluded that the underground steel dry well has reached the end of its useful life and has a high risk of failure.

<i>Applicant:</i>	Lancaster Area Sewer Authority
<i>County:</i>	Lancaster
<i>Applicant Address:</i>	130 Centerville Road Lancaster, PA 17603

Project Description: The Landisville 1 PS upgrade includes replacing the existing PS with a new wet-pit submersible pumping station, replacing the existing mechanical and electrical systems, upgrading the capacity of the upstream influent gravity interceptor and diverting the PS effluent around the existing downstream gravity interceptors through a new 9,000 linear feet 8-inch force main. The pumps will discharge through a valve/meter vault to the new force main, which will convey the PS effluent to an existing manhole.

Problem Description: The Landisville 1 PS is in East Hempfield Township between the villages of Landisville and Salunga. The pump capacity is exceeded during wet weather peak flow events. As a result, the Lancaster Area Sewer Authority is forced to request upstream industries to stop operations when the PS is overloaded. The station is original to the Lancaster Area Sewer Authority’s system and the underground steel dry well needs to be replaced due to its condition and risk of failure. Due to the station’s limitations, the Lancaster Area Sewer Authority has had to refuse requests for additional capacity.

DWSRF Projects Being Considered:

<i>Applicant:</i>	Conemaugh Township Municipal Authority
<i>County:</i>	Somerset
<i>Applicant Address:</i>	P.O. Box 429 113 South Main Street Davidsville, PA 15928

Project Description: This project mainly consists of the installation of approximately 50,000 linear feet of various

waterline sizes, approximately 14,000 linear feet of service lines, the replacement of approximately 561 curb stop assemblies and installation of approximately 561 meter pits. This project also consists of rehabilitating the Jerome and Davidsville PSs. The PSs will receive new variable frequency drives and related equipment, a direct replacement of pumps and motors and valve replacements. This project will eliminate the frequent leaks and greatly lower maintenance costs. The project will affect approximately 561 customers in Conemaugh Township and Jenner Township. These customers will have new water service lines and meter pit assemblies installed.

Problem Description: The Conemaugh Township Municipal Authority (CTMA) owns and operates the water treatment facility and distribution system located in Somerset County. CTMA's existing water facilities were largely installed in the 1980's and are approximately 40 years old. Some parts of the system are even older. The existing waterline is already passed its design life and is not feasible to maintain. These leaks have led to decreased water quality, distribution system operation issues and decreased pressure to CTMA customers.

<i>Applicant:</i>	Schuylkill County Municipal Authority
<i>County:</i>	Schuylkill
<i>Applicant Address:</i>	221 South Centre Street Pottsville, PA 17901

Project Description: The Schuylkill County Municipal Authority (SCMA) proposes the construction of a 2.3-million gallon (MG) finished water storage tank to provide for operational flexibility and additional supply to provide resiliency for operations in their Broad Mountain system. The proposed Broad Mountain tank No. 2 will be located in New Castle Township, Schuylkill County, at the same site as the existing Broad Mountain tank No. 1 near the Broad Mountain Water Treatment Plant (WTP). The tank's influent and effluent piping will be connected to the existing WTP's 24-inch main. Broad Mountain tank No. 2 is a proposed 2.3-MG prestressed concrete water tank that will be designed, fabricated and erected in accordance with the American Water Works Association D110 Standard. The tank will be equipped with appropriate appurtenances including overflow, pressure-vacuum relief vent, access hatches, inlet/outlet piping, drain piping, safety ladders and safety devices. Access hatches and vents will be equipped with locking devices. The overflow elevation of proposed Broad Mountain tank No. 2 will match the existing tank No. 1's overflow elevation. This overflow elevation provides a minimum pressure of 30 pounds per square inch (psi) throughout the SCMA main system during normal system conditions, consistent with accepted waterworks practice. Similarly, the storage facilities can provide a minimum pressure of 20 psi throughout the main system during fire flow conditions.

Problem Description: Problems addressed by this project include resolving limited emergency water storage to offset temporary supply concerns, providing for operational flexibility and addressing the difficulties encountered in taking the existing 1.0-MG Broad Mountain tank No. 1 out of service for repair as it is crucial for system operations. Proposed improvements will enhance SCMA's

ability to operate and maintain the system and increase the reliability of service.

RICHARD NEGRIN,
Secretary
Department of Environmental Protection

ROBERT H. BOOS,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 23-1270. Filed for public inspection September 15, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2023-3042659. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to two inactive residential premises in Fayette County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 1, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. The parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or they may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Columbia Gas of Pennsylvania, Inc., 121 Champion Way, Suite 100, Canonsburg, PA 15317

Through and By Counsel for: Candis A. Tunilo, Esquire (ID # 89891), 800 North Third Street, Suite 204, Harrisburg, PA 17102, ctunilo@nisource.com; Theodore J. Gallagher, Esquire (ID # 90842), 121 Champion Way, Suite 100, Canonsburg, PA 15317, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1271. Filed for public inspection September 15, 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 October 2, 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 October 2, 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-2023-3041954. MHAKAIDAR, LLC (1209 Hale Street, Philadelphia, Philadelphia County, PA 19111) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2023-3042570. Wyatt's Transport, LLC (1308 Meetinghouse Road, Meadowbrook, Montgomery County, PA 19046) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Montgomery County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2023-3042635. Motus Holdings, LLC (1729 West Tilghman Street, Suite 2, Allentown, Lehigh County, PA 18104) for the right to begin to arrange transportation of passengers, between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1272. Filed for public inspection September 15, 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 October 2, 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-23-08-07. Uthman Zahra Trans, Inc. (4227 Passmore Street, Philadelphia, PA 19135): 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.

Doc. No. A-23-08-08. Chirnoor Trans, Inc. (7005 Pennsylvania Avenue, Upper Darby, PA 19082): 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-23-08-09. Prabhu Trans, Inc. (7005 Pennsylvania Avenue, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public 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-23-08-10. Y. Singh Trans, Inc. (211 Glendale Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public 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.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-1273. Filed for public inspection September 15, 2023, 9:00 a.m.]

