

PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Banking and Securities
Department of Community and Economic
Development
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Transportation
Environmental Quality Board
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Office of Attorney General
Office of Open Records
Pennsylvania Public Utility Commission
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 588, November 2023

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania; Order No. 105

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania amends its Board Rules and Procedures to add Rule § 93.30 (related to restrictions on activities of Board members during term of service).

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Executive Director shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter B. THE DISCIPLINARY BOARD

(Editor's Note: The following section is new and is printed in regular type to enhance readability.)

§ 93.30. Prohibitions during term of membership.

During the term of Board membership, a member shall not:

(a) represent a respondent or petitioner in any disciplinary proceeding under the Enforcement Rules or these rules;

(b) testify as an expert witness in any disciplinary proceeding under the Enforcement Rules or these rules;

(c) serve as an expert witness in a legal professional liability dispute, absent exigent circumstances and prior Board approval; or

(d) serve as an expert witness on ethics in litigation or trial in any state or federal court or before any other tribunal.

[Pa.B. Doc. No. 23-1540. Filed for public inspection November 10, 2023, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that George Louis Farmer having been suspended from the practice of law in the Supreme Court of Maryland; the Supreme Court of Pennsylvania issued an Order dated October 26, 2023 suspending George Louis Farmer (# 77655) from the practice of law in this Commonwealth, consistent with the Opinion of the Supreme Court of Maryland filed on July 10, 2023.

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

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 23-1541. Filed for public inspection November 10, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 250]

Administration of the Land Recycling Program Vanadium MSC Rule

The Environmental Quality Board (Board) amends Chapter 250 (relating to administration of land recycling program). This final-form rulemaking is authorized under § 250.11 (relating to periodic review of MSCs), which requires the Department of Environmental Protection (Department) to review new scientific information related to Statewide health standard medium-specific concentrations (MSC) at least 36 months after the effective date of the most recently promulgated MSCs and to propose to the Board any changes to the MSCs as necessary. This final-form rulemaking uses contemporary scientific information to update the toxicity value for vanadium, resulting in updates to the vanadium MSCs.

This final-form rulemaking was adopted by the Board at its meeting of July 11, 2023.

A. *Effective Date*

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

B. *Contact Persons*

For further information contact Michael Maddigan, Program Manager, Land Recycling Program, P.O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 772-3609, or Nicholas Pistory, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-9372. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of July 11, 2023).

C. *Statutory Authority*

This final-form rulemaking is authorized under sections 104(a) and 303(a) of the Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P.S. §§ 6026.104(a) and 6026.303(a)), which direct the Board to adopt and amend periodically by regulation Statewide health standards for regulated substances for each environmental medium, including any health-based standards adopted by the Federal government by regulation or statute, and health advisory levels, and which direct the Board to promulgate appropriate mathematically valid statistical tests to define compliance with Act 2, and other regulations as necessary to implement the provisions of Act 2; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department.

D. *Background and Purpose*

The Commonwealth's Land Recycling Program, established by Act 2 (35 P.S. §§ 6026.101—6026.908), encourages the voluntary cleanup and reuse of contaminated

commercial and industrial sites. Under Act 2 and the implementing Chapter 250 regulations, the Commonwealth's Land Recycling Program sets standards that are protective of human health and the environment and which consider future use. As authorized by Act 2 and its implementing regulations, the Commonwealth's Land Recycling Program provides potential land developers with clear cleanup standards based on risk and provides an end to liability when that cleanup standard is achieved.

Act 2 and Chapter 250 do not create permitting or corrective action obligations; rather, they provide remediators with options to address contamination and any associated liability that arises under other statutes. To take advantage of the liability protection provided in Act 2, a person must remediate their site by selecting and attaining compliance with one or any combination of the following three environmental standards: background standard, Statewide health standard or site-specific standard. Chapter 250 contains tables of numeric values for contaminants in each environmental medium, including soil and groundwater. These numeric values are used by remediators to determine the MSCs at their sites and account for used and unused groundwater, as well as residential and nonresidential exposure factors. If the Statewide health standard is selected to attain compliance, the remediator must use the applicable MSCs to demonstrate attainment of the standard at the point of compliance.

Section 250.11 requires the Department to review new scientific information used to calculate MSCs under the Statewide health standard and propose appropriate changes at least every 36 months following the effective date of the most recently promulgated MSCs. The Board most recently promulgated MSCs that became effective upon publication of that final-form rulemaking at 51 Pa.B. 7173 (November 20, 2021). Based on new scientific information, this final-form rulemaking updates the vanadium toxicity value and the resulting Statewide health standard MSCs for vanadium.

This final-form rulemaking impacts any person addressing a release of vanadium at a property, whether voluntarily or by order of the Department. This final-form rulemaking does not add or create new regulatory obligations for any particular category of person. Under section 301(a) of Act 2 (35 P.S. § 6026.301(a)), a remediator has the authority to select a remediation standard of choice. To receive cleanup liability protection, remediators must comply with all of the applicable technical and administrative requirements of the selected remediation standard in accordance with section 501(a) of Act 2 (35 P.S. § 6026.501(a)).

As noted previously, this final-form rulemaking does not singularly affect one specific industry or person—it impacts the owners and operators of properties throughout this Commonwealth where vanadium has been released. Some of these properties may be owned or operated, or both, by small businesses. Because of the application of this final-form rulemaking, it is not possible to identify specifics on the types and numbers of small businesses that could potentially be affected by vanadium contamination. In addition, Act 2 and Chapter 250 are unique from other statutes and regulations because they do not create permitting or corrective action obligations. Rather, Act 2 and Chapter 250 provide remediators with options to address contamination and

any associated liability that arises under other statutes. Making changes to the MSCs in Chapter 250 Appendix A does not create liability or obligations related to vanadium. Instead, a person's liability arises under other statutes, while Act 2 and Chapter 250 provide that person the means to resolve their liability imposed by those statutes and to address the contamination.

The current vanadium oral reference dose provided in Chapter 250, Table 5B (relating to inorganic regulated substances) comes from the United States Environmental Protection Agency's (EPA) Provisional Peer-Reviewed Toxicity Value (PPRTV) database which is considered a "Tier 2 Source" in § 250.605(a) (relating to sources of toxicity information). The PPRTV value for vanadium is based on a sodium metavanadate study and has generated a residential direct contact value that is near the lower end of the naturally occurring concentration range of vanadium in soil. A cleanup value this low makes it difficult for remediators to determine if vanadium soil concentrations are naturally occurring or are related to a vanadium release at their site. Use of the PPRTV value has also impeded utilization of the Department's policy, titled "Management of Fill Policy," Document No. 258-2182-773.

These numeric value increases reflect updated scientific information related to the toxicity of vanadium and accurately align with the risk from exposure. The EPA has determined that there is a high level of uncertainty associated with the development of the PPRTV toxicity value, which causes the value to be low. The alternative to using the PPRTV toxicity value for vanadium is to use the EPA's Integrated Risk Information System (IRIS) vanadium pentoxide value and apply a molecular weight conversion. The PPRTV value is based on a sodium metavanadate study, and it can only be used as an elemental vanadium value because of the molecular weight conversion done in the study. The IRIS vanadium pentoxide value is a vanadium compound value that, by using the same molecular weight conversion, can also be used as an elemental vanadium value. The only difference is that the Department has performed the molecular weight conversion for the IRIS vanadium pentoxide value whereas the molecular weight conversion for the PPRTV value was performed in the sodium metavanadate study. The IRIS value is preferred over the PPRTV value because it has less uncertainty associated with it, and it is a "Tier 1 Source" for toxicity values according to § 250.605(a), which means it has gone through a more rigorous peer review process. The EPA has endorsed the use of the IRIS vanadium pentoxide value in conjunction with a molecular weight conversion by using it to develop their Regional Screening Level for vanadium.

The Department consulted with the Cleanup Standards Scientific Advisory Board (CSSAB) during the development of this final-form rulemaking. The CSSAB, which was established by section 105 of Act 2 (35 P.S. § 6026.105), consists of persons representing a cross-section of experience, including engineering, biology, hydrogeology, statistics, medicine, chemistry, toxicology and other related fields. The purpose of the CSSAB is to assist the Department and the Board in developing Statewide health standards, determining the appropriate statistically and scientifically valid procedures and risk factors to be used, and providing other technical advice as needed to implement Act 2. The Department presented the proposed rulemaking to the CSSAB for its review at a meeting held on October 4, 2021. The Department received a unanimous letter of support for the proposed rulemaking from the CSSAB on October 12, 2021. This final-form rulemaking was presented to the CSSAB at the

March 15, 2023, meeting, and the CSSAB members voted unanimously to support advancing this final-form rulemaking to the Board for adoption.

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

Chapter 250 Appendix A, Tables 2, 4A, 4B and 5B

Amendments to the "Medium-Specific Concentrations" tables include updates to the groundwater (Table 2), soil direct contact (Table 4A) and soil-to-groundwater (Table 4B) vanadium numeric values. Amendments to the Physical and Toxicological Properties for Inorganic Regulated Substances table (Table 5B) include an updated toxicity value for vanadium. Additionally, a footnote is added to Table 5B explaining that the updated vanadium toxicity value is derived from the oral reference dose for vanadium pentoxide from the EPA's IRIS database with the application of a molecular weight conversion.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

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

The proposed rulemaking was published at 52 Pa.B. 4235 (July 30, 2022), opening a 30-day public comment period that closed on August 29, 2022. The Board received one public comment asking if the new MSCs will supersede the Department's interim technical guidance document, titled "Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium," Document No. 258-2182-774.

In response, the interim technical guidance document, titled "Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium," Document No. 258-2182-774, will be rescinded when this final-form rulemaking is published in the *Pennsylvania Bulletin* because it will no longer be necessary. The interim technical guidance document provides procedures for utilizing a published data set to statistically determine Statewide representative background concentrations as an alternative to collecting background samples representative of the donor site (for a Background Demonstration) or the receiving site (for an Equivalent Site Evaluation), or both, as described in Section G of Appendix A of the Department's "Management of Fill Policy." Because the soil MSCs for vanadium in the Chapter 250 regulations will no longer be near the lower end of the range of the naturally occurring levels in this Commonwealth, this technical guidance document is no longer necessary.

G. *Benefits, Costs and Compliance*

Benefits

When the General Assembly enacted Act 2, it found and declared among its policy goals in section 102 of Act 2 (35 P.S. § 6026.102) that "[p]ublic health and environmental hazards cannot be eliminated without clear, predictable environmental remediation standards and a process for developing those standards," that "[a]ny remediation standards adopted by this Commonwealth must provide for the protection of public health and the environment," and that, "[c]leanup plans should be based on actual risk that contamination on the site may pose to public health and the environment, taking into account its current and future use and the degree to which contamination can spread offsite and expose the public or the environment to risk[.]"

To implement these policy goals, the General Assembly granted the Board the rulemaking authority in sections 104 and 303 to develop Statewide health standards and the methods to calculate those standards. Chapter 250 implements Act 2 consistent with the General Assembly's declaration of policy outlined in section 102 of Act 2.

The amendments to the MSCs in this final-form rulemaking serve both the public and the regulated community because they provide MSCs based on the most up-to-date health and scientific information for vanadium. Section 104(a) directed the Board to adopt regulations needed to implement Act 2 and granted the Board the rulemaking authority to amend those standards periodically as better science becomes available and as the need for clarification or enhancement of the program becomes apparent. Accordingly, when the Board first promulgated Chapter 250 at 27 Pa.B. 4181 (August 16, 1997), the intent of the General Assembly was for the Board to update and amend those standards as necessary.

Potential contamination of soil and groundwater from accidental spills and unlawful disposal may impact residents of this Commonwealth. Vanadium is a systemic toxicant (non-carcinogen) as defined under section 103 of Act 2 (35 P.S. § 6026.103) and its release not only poses a threat to the environment but also may affect public health. Research on vanadium evolves over time and provides the basis for the protection of Commonwealth residents through site cleanup requirements.

The update to the vanadium toxicity value results in increases to the vanadium MSC numeric values. Value increases reflect updated scientific information related to the toxicity of vanadium and recognize that the updated values accurately align with the risk from exposure. Value increases can also prevent impracticable remediation requirements for sites where existing vanadium standards are lower than naturally occurring concentrations.

The benefits of this final-form rulemaking are difficult to quantify because, unlike other statutory or permitting structures, Act 2 does not prevent contamination but instead provides remediators with a variety of options to address sites with existing contamination. In that sense, this final-form rulemaking, consistent with Act 2, benefits the public because it may reduce harmful exposure and result in efficient and expedient remediation and reuse of contaminated sites.

Compliance costs

The Department believes this final-form rulemaking will result in positive economic impacts because the MSCs more accurately align with exposure risk and prevent impracticable remediation requirements for a site where existing vanadium standards are lower than naturally occurring concentrations. The number of completed remediations varies each year but, on average, remediators apply the Act 2 remediation standards to approximately 800 contaminated properties across this Commonwealth per year. The Department does not expect that the amendments will impact the number of remediations voluntarily completed or the number that must be completed as a result of Department enforcement actions.

The updates to the vanadium Statewide health standard MSCs do not affect the cleanup options available to remediators under other cleanup standards. Persons conducting remediation under Act 2 may choose from three different cleanup standards: background, Statewide health or site-specific.

Compliance assistance plan

The Land Recycling Program disseminates information related to these updates using the Department web site and e-mails to environmental consultants and stakeholders involved in the program.

Paperwork requirements

This final-form rulemaking does not result in any additional forms or reports, beyond those already required by Act 2 and Chapter 250.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

Act 2 encourages cleanup plans with remedy goals which treat, destroy or remove regulated substances whenever technically and economically feasible. This final-form rulemaking provides the necessary Statewide health standard MSCs for remediators to remove contamination or eliminate exposure, where appropriate. This final-form rulemaking reflects the most up-to-date science, especially as it relates to the characterization and removal of contamination that exceeds Act 2 MSCs. During the remediation of a contaminated site, potential sources of pollution are often removed to attain the Act 2 standards, thus eliminating or minimizing the potential for continued migration of the sources of pollution to other areas.

I. Sunset Review

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

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 12, 2022, the Department submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 4235, and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act, on September 20, 2023, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the

final-form rulemaking was deemed approved by IRRC effective September 20, 2023.

K. Findings of the Board

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 52 Pa.B. 4235.

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

L. Order of the Board

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

(a) The regulations of the Department, 25 Pa. Code Chapter 250, are amended by amending Appendix A, Tables 2, 4A, 4B and 5B as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this final-form rulemaking to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

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

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

JESSICA SHIRLEY,
Interim Acting Chairperson

(Editor's Note: See 53 Pa.B. 6319 (October 7, 2023) for IRRC's approval.)

Fiscal Note: Fiscal Note 7-572 remains valid for the final adoption of the subject regulation.

Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE VI. GENERAL HEALTH AND SAFETY
CHAPTER 250. ADMINISTRATION OF LAND RECYCLING PROGRAM
Appendix A

Table 2—Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Groundwater

Regulated Substance	CASRN	Used Aquifers				Nonuse Aquifers						
		TDS ≤ 2500 mg/L	TDS > 2500 mg/L	R	NR	R	NR					
VANADIUM	7440-62-2	170	490	G	17,000	G	49,000	G	170,000	G	490,000	G
		*	*	*	*	*	*	*	*	*	*	*

All concentrations in µg/L (except asbestos)
M = Maximum Contaminant Level
H = Lifetime Health Advisory Level
SMCL = Secondary Maximum Contaminant Level
G = Ingestion
N = Inhalation
PA State MCL adopted as MSC for Copper and Lead

R = Residential
NR = Nonresidential

Appendix A

Table 4—Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Soil
A. Direct Contact Numeric Values

REGULATED SUBSTANCE	CASRN	Residential MSC		Nonresidential MSCs			
		0—15 feet	15—2 feet	Surface Soil 0—2 feet	Subsurface Soil 2—15 feet		
VANADIUM	7440-62-2	1,100	G	16,000	G	190,000	C
		*	*	*	*	*	*

All concentrations in mg/kg
G—Ingestion
N—Inhalation
C—Cap
U—UBK Model
S—SEGH Model

**Table 4—Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Soil
B. Soil to Groundwater Numeric Values¹**

REGULATED SUBSTANCE	CASRN	Used Aquifers						Nonuse Aquifers						Soil Buffer Distance (feet)	
		TDS ≤ 2500 mg/L			TDS > 2500 mg/L			R			R				
		100 X GW MSC	Generic Value	NR	100 X GW MSC	Generic Value	NR	100 X GW MSC	Generic Value	NR	100 X GW MSC	Generic Value	NR		
		MSC	Value		MSC	Value		MSC	Value		MSC	Value			
VANADIUM	7440-62-2	17	17,000	49	49,000	1,700	190,000	4,900	190,000	17,000	190,000	49,000	190,000	190,000	5
			*	*	*	*	*	*	*	*	*	*	*	*	
			*	*	*	*	*	*	*	*	*	*	*	*	

¹ For other options see § 250.308 (relating to soil to groundwater pathway numeric).

All concentrations in mg/kg

R—Residential

NR—Non-Residential

NA—Not Applicable

**Table 5—Physical and Toxicological Properties
B. Inorganic Regulated Substances**

Regulated Substance	CAS	RfDo (mg/kg-d)	CSF ₀ (mg/kg-d) ⁻¹	RfCi (mg/m ³)	IUR (ug/m ³) ⁻¹	Kd
VANADIUM	7440-62-2	0.005	Id	0.0001	D	1,000
			*	*	*	*
			*	*	*	*

Toxicity Value Sources:

C = California EPA Cancer Potency Factor

D = ATSDR Minimal Risk Level

H = Health Effects Assessment Summary Table (HEAST)

I = Integrated Risk Information System (IRIS)

P = EPA Provisional Peer-Reviewed Toxicity Value

X = EPA Provisional Peer-Reviewed Toxicity Value Appendix

Id = IRIS derived—Value derived from the IRIS oral RfD for Vanadium Pentoxide (0.009 mg/kg-day). Vanadium constitutes 56% of the molecular weight of the Vanadium Pentoxide molecule. 0.009 mg/kg-day × 0.56 = 0.005 mg/kg-day.

[Pa.B. Doc. No. 23-1542. Filed for public inspection November 10, 2023, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

[37 PA. CODE CH. 301]

Automotive Industry Trade Practices; Public Hearing

The Office of Attorney General (OAG) is in the process of drafting a final-form amendment to Title 37, Chapter 301 of the *Pennsylvania Code* (relating to automotive industry trade practices). In its review of the initial public comments submitted earlier this year, the OAG noted significant interest in proposed new section 301.2(5.1).

Under section 3.1 of the Unfair Trade Practices and Consumer Protection Law (73 P.S. § 201-3.1), the OAG will hold a public hearing to receive additional comments from members of the regulated community and other interested parties from 1 p.m. to 2:30 p.m. on Wednesday, December 13, 2023, in the Training Conference Room, Strawberry Square, 16th Floor, Harrisburg, PA 17120. The OAG presents the following questions as being of particular interest at this stage in its drafting process:

- 1) How often do cars accumulate 500 miles in one dealer's inventory before they are sold to consumers? What are the common situations in which this occurs?
- 2) When a State inspection is performed on a vehicle in a dealer's inventory, what form(s) of documentation are generated pursuant to that inspection? Are these documents maintained? Where and for how long? Are they shared with a prospective purchaser of that vehicle?
- 3) Short of performing a full State inspection, how often are vehicles in a dealer's inventory inspected for conditions that would render it not roadworthy under Chapter 301 in its present form (not including the inability of the vehicle to pass a State inspection)? What would this inspection consist of? What are the costs

(money, time, etc.) associated with this inspection? Are the results of this inspection documented?

Individuals wishing to present testimony at the hearing shall, at least 1 week in advance of the hearing, notify Deputy Attorney General Mark Wolfe, Office of Attorney General, Strawberry Square, 15th Floor, Harrisburg, PA 17120, (717) 772-3558, mwolfe@attorneygeneral.gov. Oral testimony will be limited to 10 minutes for each witness. Witnesses shall submit three written copies of testimony at the hearing. Each organization shall designate one witness to present testimony on its behalf.

Interested persons are also invited to submit written comments, objections or suggestions to the Bureau of Consumer Protection, Office of Attorney General, Strawberry Square, 15th Floor, Harrisburg, PA 17120, within 30 days after publication of this notice of hearing in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments may also be submitted by e-mail to consumers@attorneygeneral.gov. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Deputy Attorney General Mark Wolfe at (717) 772-3558 or mwolfe@attorneygeneral.gov to discuss how their needs may be accommodated.

MICHELLE A. HENRY,
Attorney General

[Pa.B. Doc. No. 23-1543. Filed for public inspection November 10, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 63]

[L-2023-3040646]

[P-2010-2217748]

Rulemaking to Amend 52 Pa. Code §§ 63.161— 63.171 (relating to Universal Service); Advanced Notice of Proposed Rulemaking

Public Meeting held
August 24, 2023

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Jr., Vice Chairperson, statement follows; Ralph V. Yanora; Kathryn L. Zerkfuss; John F. Coleman, Jr., statement follows

*Rulemaking to Amend 52 Pa. Code §§ 63.161—63.171
(relating to Universal Service); L-2023-3040646*

*Petition of the Pennsylvania Telephone Association for
Order to Expand the Base of Contributing Carriers to the
Pennsylvania Universal Service Fund to Include Wireless
Carriers and VoIP Providers; P-2010-2217748*

Advance Notice of Proposed Rulemaking

By the Commission:

Pursuant to our Opinion and Order of July 18, 2011¹ and August 9, 2012² in the consolidated access reform proceedings previously before the Public Utility Commission (PUC), we hereby provide this Advance Notice of Proposed Rulemaking (ANOPR) to amend our regulations governing the Pennsylvania Universal Service Fund (Pa. USF). The PUC has included a detailed list of questions in Appendix A and requests that interested parties address these in addition to providing other comments. The PUC requests that, along with other interested parties, all public utilities participating in the Pa. USF provide responses.

Background

The onset of toll competition marked the beginning of state and federal efforts to set access charges. Since that time, various Pennsylvania access stakeholders advanced proposals designed to restructure how carriers balanced their business models between access revenue flowing from intrastate toll traffic and ratepayer subscription revenue. The goals of the PUC in considering these efforts are to maintain universal telecommunications services at affordable rates and to enhance competitive benefits within the telecommunications services market. From the beginning, Pennsylvania access reform efforts focused on the linkage between access revenues and affordable local

telephone service rates.³ The approximate thirty-year duration of these efforts is testament to the difficulty of breaking the link between access revenue and local service rates in a manner that fosters competition and maintains universal telecommunications services at affordable rates. The history of this effort, detailed below, necessarily serves as a backdrop for this rulemaking.

Federal Universal Service Considerations

The PUC's jurisdiction extends to intrastate access rates under state and federal law; thus, discussion of inter-carrier compensation is incomplete without consideration of the actions taken by the Federal Communications Commission (FCC) to address and reform the access charges regime and to achieve universal service so that telecommunications carriers can provide certain basic services to customers in high-cost areas without having to charge these customers unaffordable rates. Historically, in the interest of meeting the goal of universal service, telecommunications carrier services have been subsidized or "supported" to enable high-cost consumers to be served at rates that are reasonably comparable to those in lower cost areas. This universal service support has been both explicit and implicit. The PUC recognizes the challenges presented by the Federal backdrop to our State access reform efforts and acknowledge that Federal access reform provides an additional basis to reexamine our universal service regulations at this time.

As part of its universal service reforms, the FCC released a Further Notice of Proposed Rulemaking on April 30, 2012, seeking comment on proposals to reform the Federal Universal Service Fund (FUSF) contribution system.⁴ The FCC sought comment on issues similar to those we seek to explore in this rulemaking—who should contribute, how to assess contributions, administrative improvements, and modifications of contribution recovery. The FCC generally found that its current revenues-based system may not have kept pace with markets, that the contribution base had begun to shrink, and that the system may have produced competitive distortions because similar services may have different contribution obligations based on how carriers provide services.

The FCC proposed three primary avenues to address these issues: simplify compliance through the establishment of clear, simple rules without excessive exceptions, maintain competitive neutrality, and develop a sustainable and stabilized contribution base.⁵ Of particular interest are its two alternative approaches to identifying contributors. The FCC proposed a service-by-service approach, that is, to identify types of service that should contribute. Alternatively, it questioned whether it should adopt a broad definition of contributing interstate telecommunications such that "[a]ny interstate information service or interstate telecommunications is assessable if the provider also provides the transmission (wired or wireless), directly or indirectly through an affiliate, to end users."⁶

³ See Re Implementation of Intrastate Access Charges, 58 Pa. PUC 239 (1983). Section 63.161 (relating to statement of purpose and policy) provides:

The purpose of the Fund is to maintain the affordability of local service rates for end-user customers while allowing rural telephone companies to reduce access charges and intraLATA toll rates, on a revenue-neutral basis, thereby encouraging greater competition.

52 Pa. Code § 63.161(3).

⁴ Universal Service Contribution Methodology; A National Broadband Plan For Our Future, Further Notice of Proposed Rulemaking, 27 FCC Rcd. 5357 (2012) (Universal Service Reform Order).

⁵ Id. ¶¶ 22–25.

⁶ Id. ¶¶ 74–75.

¹ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105; *AT&T v. Armstrong Telephone Company, et al.*, Docket No. C-2009-2098380 et al. at 191 (July 18, 2011).

² Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105; *AT&T v. Armstrong Telephone Company, et al.*, Docket No. C-2009-2098380 et al., Implementation of the Federal Communications Commission's Order of November 18, 2011, as Amended or Revised and Coordination with Certain Intrastate Matters, Docket No. M-2012-2291824 at 66-67 (August 9, 2012).

The FCC also sought comment (as do we) on whether replacement of the existing revenue-based contribution system is appropriate. The FCC considered whether a connection-based contribution system would be appropriate (with assessments based on the number of connections provided to customers), whether contributions should be numbers-based, or whether it should adopt a hybrid system based on distinctions between customer type. The FCC also proposed changes to how carriers might recover USF contributions from end users. Most significantly, it considered whether it should no longer allow contributors to recover USF contribution costs as a separate line-item charge on customer bills.⁷ Comments and reply comments did not present consensus on what the FCC should retain or reform. There was also widespread disagreement on which services should contribute to the FUSF, particularly regarding broadband Internet access service.

On August 6, 2014, the FCC adopted an order asking the Federal-State Joint Board on Universal Service to provide recommendations on how the FCC should modify the contribution methodology and emphasized its interest in how modifications would impact the statutory principle that there be state as well as federal mechanisms to advance universal service. The FCC also requested that the Joint Board focus on the role of states in accomplishing universal service objectives and protecting consumers.⁸

In 2019, the FCC issued a Notice of Proposed Rulemaking seeking comment on establishing a cap on the FUSF and ways such action could enable to FCC to evaluate the financial aspects of the four universal service programs in a more holistic way. The FCC acknowledged that the creation of a topline budget would not eliminate its ability to increase funding for a particular program but would require the FCC to consider the consequences and tradeoffs of spending decisions for the overall fund.⁹

Finally, in August 2022, the FCC adopted a Report on the Future of the Universal Service Fund (Report) as required by the Infrastructure Investment and Jobs Act.¹⁰ The Report provided recommendations for further actions by the FCC and Congress to build upon past investments and improve the ability of the FCC to achieve its goals of universal deployment, affordability, adoption, availability, and equitable access to broadband through the FUSF and other FCC programs.¹¹

As of yet, the FCC has not taken substantive action in these proceedings, and we acknowledge the potential for inconsistencies between any reforms to the Pa. USF and any proposed reforms of FUSF programs. Nevertheless, we will fulfill all of our statutory universal service obligations regardless of any proposed federal reforms.

Pennsylvania USF Background

Issues of intrastate inter-carrier compensation reach to the heart of how telecommunications service providers have traditionally organized operations to provide efficient public service. Adding complication in the modern era is how rapid technological change affects public expectations of how to use telecommunications services.

⁷ If adopted, the Federal restriction would mirror Pennsylvania regulations at 52 Pa. Code § 63.170 in this regard.

⁸ In the Matter of Federal State Joint Board On Universal Service Universal Service Contribution Methodology A National Broadband Plan For Our Future, Order, 29 FCC Rcd. 9784 (2014).

⁹ In the Matter of Universal Service Contribution Methodology, Notice of Proposed Rulemaking, 34 FCC Rcd 4143 (2019).

¹⁰ Pub.L. No. 117-58, § 60104 (2021).

¹¹ In the Matter of Report on the Future of the Universal Service Fund, Report, 2022 WL 3500217 (2022).

While an exhaustive history of Pennsylvania inter-carrier compensation and universal service proceedings is beyond the scope of this ANOPR, we provide this roadmap of Pennsylvania access charge and universal service fund development and reform to assist persons interested in participating in this rulemaking.

The modern era of access regulation began with the Modification of Final Judgment (MFJ) divesting American Telephone and Telegraph Company in 1982.¹² The divestiture (effective January 1, 1984) made fundamental changes in how carriers could provide telephone service in Pennsylvania. Anticipating the divestiture, in 1983 the FCC established rules to govern access to, and payment for, the use of AT&T's former local exchange service affiliates and independent local exchange facilities by AT&T and other interexchange carriers to provide interstate and foreign service.¹³ Of particular interest to our efforts here are: (1) the exit of The Bell Telephone Company of Pennsylvania (Bell Pennsylvania) from the long-distance toll market under the MFJ; (2) the creation of the five Pennsylvania Local Access Transport Areas (LATAs); (3) the restriction on Bell Pennsylvania to only intraLATA services; and (4) and the replacement of private access arrangements between Bell Pennsylvania and the independent carriers with unbundled and tariffed access arrangements. The upshot of these changes was that new entrants (e.g., MCI) applied for Chapter 11 approval to fill the Pennsylvania toll market vacated by Bell Pennsylvania. 66 Pa.C.S. §§ 1101–1104. Bell Pennsylvania filed interLATA access tariffs to recover costs from those new entrants, and independent carriers filed tariffs to recover costs for the interLATA and intraLATA services formerly addressed by private access arrangements.¹⁴ This set the stage for ongoing discussion of how to allocate intrastate access costs among all users of the public switched telephone network.¹⁵

At the time of the divestiture and into the early 1990s, Pennsylvania telecommunications services providers operated under rate base/rate of return regulation; access charges formed an integral part of the rate structure for each carrier.¹⁶ Arguments raised 40 years ago echo today—Bell Pennsylvania argued access reductions were necessary because of competitive threats, AT&T argued that proposed reductions did not go far enough, and the Office of Consumer Advocate (OCA) argued that access reductions should not increase local service rates.¹⁷ Developing access charges that balanced toll competition and local service rates in the context of the traditional ratemaking model did not settle matters, particularly regarding non-traffic sensitive costs, and increasing competition eroded the ability of carriers to maintain affected revenue streams.¹⁸

The passage of the first Chapter 30 of the Public Utility Code (Code) on July 8, 1993,¹⁹ also influenced intrastate access matters. The first Chapter 30 provided carriers with the opportunity to obtain alternative regulation plans in exchange for network modernization commitments. Under alternative regulation, the PUC would no

¹² *United States v. American Telephone & Telegraph Co.*, 48 PUR 4th 227, 552 F Supp 131 (1982).

¹³ Third Report and Order, Common Carrier Docket No. 78-72 (1983).

¹⁴ See *Re Implementation of Intrastate Access Charges*, 58 Pa. P.U.C. 239 (1983) (Cawley, J., dissenting).

¹⁵ See, e.g., *Re Intrastate Access Charges, Opinion and Order Authorizing Competitive IntraLATA long-distance Telephone Service*, 69 PUR 4th 69 (Docket No. P-830452, August 8, 1985).

¹⁶ See, e.g., *Pa. PUC et al. v. Bell Telephone Co. of Pa.*, 60 Pa. P.U.C. 435, 541 (1985).

¹⁷ *Id.* at 541-42.

¹⁸ See, e.g., *Pa. PUC et al. v. Bell Telephone Co. of Pa.*, 66 Pa. P.U.C. 315 (1988); see also *Pa. PUC v. Bell Telephone Co. of Pa.*, Docket No. R-891200, Recommended Decision (September 22, 1989).

¹⁹ 66 Pa.C.S. §§ 3001–3009 (1993) (relating to alternative form of regulation of telecommunications services), repealed 11/30/2004.

longer set carrier rates based on traditional rate-base rate of return filings.²⁰ Rather, rates for noncompetitive services would be set based on price stability mechanisms whereby carriers would increase or decrease rates based on the annual change in the Gross Domestic Product Price Index, minus an offset for inflation.²¹ Thus, the revenue requirement formula would no longer set carrier rates and the era of establishing access revenue as a part of traditional rate structure litigation closed. In addition, the first Chapter 30 alternative regulation plans frequently included revenue neutral rate rebalancing provisions.²² Affected carriers have opined that these provisions, while technically allowing for the recovery of access reductions through local rates, are of limited practical use because of competitive pressures.

With the 1993 promulgation of the first Chapter 30, both carriers and the PUC noted the inevitable tension between the policy goals of market-based competition and universal service. The PUC observed that, on one hand, competition was a driver of cost-based rates, i.e., minimizing rates through the elimination of cross-subsidies like those provided by excessive access charges. On the other hand, the telecommunications industry had contended for years that access charges subsidized low local basic service rates.²³ Then, as now, the General Assembly confirmed its commitment to universal service. It expressly set forth this commitment in the second Chapter 30 Declaration of Policy at 66 Pa.C.S. § 3011(1) (2004)²⁴ and, by implication, through 66 Pa.C.S. § 1501.

To address the universal service conflicts imposed by competitive markets, the PUC initiated a multi-step review that included investigations and rulemakings designed to examine competitive and universal service goals in the context of the increasingly complex landscape of telecommunications markets. On April 10, 1995, the PUC issued its Order in that formal investigation initiating a multi-part proceeding on universal service. The first proceeding consisted of a rulemaking at Docket No. L-00950102 designed to establish parameters for the ongoing evaluation and review of the universal service definition adopted by the PUC. The second was a proposed rulemaking at Docket No. L-00950105 to create a universal service funding mechanism. The third proceeding continued Docket No. I-00940035 into its third-phase investigation into the cost of providing basic universal service in the Commonwealth. The fourth proceeding was initiated by PUC Order in Application of MFS Intelenet of Pa. Inc., Docket No. A-310203F0002 (October 4, 1995), and included access pricing as an additional issue to be addressed at Docket No. I-00940035. Two days later, on October 6, 1995, the PUC directed parties, via Secretarial Letter, to address appropriate reciprocal compensation rates in the latter docket. The PUC had hoped that the proceedings, other than the costs proceeding, could be documentary in nature. That the cost issues alone involved the testimony of thirty-four witnesses provides some insight into the complexity and contention of the development of the current Pa. USF. Regarding the current Pa. USF, this series of interrelated proceedings set the stage for the developments of the Global Order,

entered in 1999,²⁵ that would establish our current universal service paradigm and quiet Pennsylvania universal service matters for the two decades preceding the instant rulemaking.

The 1995 rulemaking at Docket No. L-00950102 established an initial definition of the components of “universal service” in Pennsylvania. The suite of services included:

1. Single party, voice grade, incoming and outgoing access to the local switched network and usage within a local calling area;
2. Touch tone capability;
3. Annual local directory;
4. Access to operator services;
5. Access to directory assistance;
6. Access to telecommunications relay services and other services designed for persons with disabilities; and
7. Access to emergency services.

In Re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth; Docket Nos. I-00940035 and L-00950102, Declaratory Order, Advance Notice of Proposed Rulemaking, Scheduling of Public Forum (April 10, 1995) at 16.

At the time, parties urged the PUC to exercise restraint regarding the scope of its universal service definition out of concern that the costs to provide a wide suite of services would exceed the benefits to consumers.

The 1995 rulemaking at Docket No. L-00950105 ultimately produced the framework for the universal service funding mechanism, i.e., the current universal service fund regulations found at 52 Pa. Code §§ 63.161—63.171.²⁶ The PUC’s determination that it had authority to create a universal service fund to replace the implicit geographic or cross-service funding mechanisms embedded in rates, including access rates, was also established at that time.²⁷ The PUC noted that two of its primary obligations (and authority) under the first Chapter 30 were aimed at assuring affordable rates and bringing competition to all areas of the Commonwealth. We stated that:

The first objective was to establish a competitively neutral universal service fund, which would in the long-term replace traditional, anti-competitive implicit funding mechanisms caused by rate averaging and rate cross-subsidization, to assure that all Pennsylvanians, even those in high cost areas, continue to pay affordable basic universal service rates. The Second objective was to create a universal service funding mechanism which acts as a stimulant to competition and creates a business environment in which competition would appear in all areas of the Commonwealth (including high cost areas where competition might never appear otherwise) and in which all Pennsylvanians could receive the benefits of competition in all markets in the foreseeable future.

Rulemaking to Establish a Universal Service Funding Mechanism; 52 Pa. Code §§ 63.141, et seq., Docket No. L-00950105, Final-Form Rulemaking Order (June 21,

²⁰ See *Clouser v. Bell Atlantic-Pennsylvania, Inc.*, 82 Pa. P.U.C. 194 (1994) (Docket No. P-00930715) affirmed in part and reversed in part, see *Popowsky v. Pennsylvania Pub. Utility Commission*, 669 A.2d 1029, 168 PUR 4th 399 (Pa. Cmwlth. 1995).

²¹ See *Molino et al. v. Bell Atlantic-Pennsylvania, Inc.*, 82 Pa. P.U.C. 194, 216—18, 284 (1994) (Docket No. P-00930715) affirmed in part and reversed in part, *Popowsky v. Pa. P.U.C.* 669 A.2d 1029, 168 PUR 4th 399 (Pa. Cmwlth. 1995).

²² *Id.* at 285.

²³ In Re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth; Docket Nos. I-00940035 and L-00950102, Declaratory Order, Advance Notice of Proposed Rulemaking, Scheduling of Public Forum (April 10, 1995).

²⁴ 66 Pa.C.S. §§ 3011—3019 (2004) (relating to alternative form of regulation of telecommunications services).

²⁵ Joint Petition of Nextlink Pennsylvania, Inc., et al., Docket Nos. P-00991648, P-00991649, Order entered September 30, 1999, at 246—249, 196 PUR 4th 172, 279-80 (Global Order), aff’d, *Bell Atlantic-Pennsylvania, Inc. v. Pa. Pub. Util. Comm’n*, 763 A.2d 440 (Pa. Cmwlth. 2000), vacated in part sub nom. *MCI Worldcom Inc. v. Pa. Pub. Util. Comm’n*, 844 A.2d 1239 (Pa. 2004).

²⁶ Rulemaking to Establish a Universal Service Funding Mechanism; 52 Pa. Code §§ 63.141, et seq., Docket No. L-00950105, Final-Form Rulemaking Order (June 21, 1996).

²⁷ *Id.* at 13—40.

1996). These objectives remain valid today despite the subsequent amendment of Chapter 30 in 2003 and the significant changes in the background against which we now apply these principles.

On January 28, 1997, at Docket No. I-00940035, the PUC issued its third and final Opinion and Order regarding the cost of providing basic universal service in the Commonwealth.²⁸ It is important to note that on February 6, 1996, the Telecommunications Act of 1996 (TA96) was signed into law. As directed in TA96, the Federal-State Joint Board released the Joint Board Recommended Decision on universal service on November 6, 1996, approximately three months prior to this PUC's Opinion and Order in Docket No. I-00940035.²⁹ The Joint Board Recommended Decision established the parameters for the federal funding mechanism used to support the FUSF and established requirements for carrier contributions to state universal service funds as well. As will be discussed below, this federal effort complicated state access and USF reform measures.

In coordination with the requirements of the Joint Board Recommended Decision, the PUC's January 28, 1997 Order determined, in major part, that a universal service funding mechanism was necessary to:

1. maintain affordable rates in all areas of the Commonwealth in the future;
2. maintain and/or increase telephone subscribership rates in all areas of the Commonwealth;
3. encourage competition in urban and rural areas and telecommunications markets in Pennsylvania;
4. achieve regulatory parity between incumbent and new providers;
5. ensure economic development in all areas of the Commonwealth through the equal availability of basic and advanced services so that telecommunications infrastructure development in Pennsylvania does not disadvantage rural areas and result in a system of haves and have-nots;
6. achieve more effective targeting of existing subsidies;
7. encourage carriers to meet the mandates of Chapter 30;
8. carry out and comply with the requirements of TA96.

In Re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth, Docket No. I-00940035 at 13 (January 28, 1997).

The January 28, 1997 Order also established that the Commonwealth would create a single universal service funding mechanism applicable to all carriers as opposed to a multi-fund system, a basic rate of \$20.00, inclusive of local calling, as reasonable for the purposes of calculating universal service support, and the requirement that all LECs file proposed Lifeline plans for low-income customers. The January 28, 1997 Order further established the Pennsylvania Universal Service Task Force and directed the initiation of a proceeding to examine intrastate access rate levels and pricing structures in the competitive marketplace.

²⁸ In Re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth, Docket No. I-00940035 (January 28, 1997).

²⁹ In The Matter Of Federal-State Joint Board Universal Service, CC Docket No. 96-45, Recommended Decision (November 8, 1996).

On February 14, 1997, the PUC issued its Opinion and Order initiating the Generic Investigation of Intrastate Access Charge Reform at Docket No. I-00960066.³⁰ The PUC assigned the proceeding to the Office of Administrative Law Judge (OALJ). The February 14, 1997 Order acknowledged the interecine relationships among the access reform proceedings (and others), specifically referencing TA96, pending interconnection investigations and arbitrations, and the FCC access charge reform proceedings. The issues the PUC sought to address included access cost models and methods, the financial impact of access reforms, the coordination of the nascent Pa. USF with ratemaking and access reform, the reduction of the then applicable Common Carrier Line Charge, and toll reductions promised by interexchange carriers (IXCs). A recommended decision would not appear in the docket until June 30, 1998.

On November 10, 1997, the small rural exchange carriers and Bell-Atlantic of Pennsylvania filed a Joint Petition In Settlement (Small Company Plan) intended to resolve all issues at Docket Nos. I-00940035, L-00950105, I-00940034, and I-00960066.³¹ The Small Company Plan proposed an interim measure until the PUC and the FCC resolved outstanding policy issues, and permanently established rules concerning universal service and access charge reform.³² The Small Company Plan noted that these key access reform and universal service proceedings were by then mired in appeals and petitions for reconsideration and that any state action required coordination with federal reform efforts.³³ The Small Company Plan also noted the final-form Pa. USF regulations developed in Docket No. L-00950105 would lapse if the PUC failed to submit them to the Independent Regulatory Review Commission (IRRC) by December 11, 1997, at that time approximately one month away. The Petitioners noted that they offered an industry-originated solution to issues that had lingered before the PUC for nearly a decade and that approval would resolve outstanding appeals of PUC Orders. In response, on November 17, 1997, the PUC requested comments from interested parties. On April 29, 1998, the PUC directed the OALJ to issue a recommended decision regarding only Docket No. I-0960066, the Generic Investigation of Intrastate Access Charge Reform, on the record as it existed before the filing of the Small Company Plan on November 10, 1997. The Recommended Decision followed on June 30, 1998.³⁴ Parties filed exceptions in anticipation of a PUC decision on the merits. This proceeding marked the end of individual issue litigation of industry-wide telecommunications matters in the 1990s.

On September 18, 1998, then-PUC-Chairman Quain invited interested parties to participate in "Global Telecommunications Settlement" (GTS or Global) discussions facilitated by the PUC over several months at Docket No. M-00981185.³⁵ The GTS sought to achieve resolution of the myriad (and by then mired) issues presented by the proceedings discussed above. Parties were broken into working groups and participated in technical conferences

³⁰ In Re: Generic Investigation of Intrastate Access Charge Reform, Docket No. I-00960066 (February 14, 1997).

³¹ Joint Petition In Settlement of Bell-Atlantic Pennsylvania and Small Rural Local Exchange Carriers, Docket Nos. I-00940035, L-00950105, I-00940034, I-00960066 (November 10, 1997).

³² In re Universal Service Fund, Revised Final Rulemaking Order, L-00000148, 95 Pa. P.U.C. 246 (March 23, 2001).

³³ In Re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth, Docket No. I-00940035 (Order on Reconsideration entered July 31, 1997) Appealed by Bell-Atlantic at Docket No. 2420 CD 1997.

³⁴ Generic Investigation of Intrastate Access Charge Reform, Docket No. I-00960066, Recommended Decision (June 30, 1998).

³⁵ See Re Global Telecommunications Settlement Proceeding, Docket No. M-00981185, Letter of Assistant Counsel of September 28, 1998.

and substantive settlement discussions under issue matrices established by the PUC. The PUC stated the goal of the GTS was to provide all Pennsylvanians with the benefits of full competition in the telecommunications industry. While the PUC provided a final summary term sheet to the GTS parties on March 1, 1999, the GTS appeared to be unfruitful.

On March 18, 1999, however, the PUC received two petitions that would form the basis of the Global Order. The first was the Joint Petition of Senators Fumo, Madigan and White, the Pennsylvania Telecommunications & Cable Association and Seven Competitive Local Exchange Carriers for the Adoption of Partial Settlement Resolving Pending Telecommunications Proceedings at Docket No. P-00991648 (the 1648 Petition). The second was the Joint Petition for Global Resolution of Telecommunications Proceedings at Docket No. P-00991649 (the 1649 Petition). With the filing of these petitions, it became clear that the parties had fully engaged in the GTS process and had in fact advanced the resolution of the issues.

On April 2, 1999, the PUC consolidated the 1648 and 1649 Petitions. It then assigned the consolidated proceeding to the OALJ to create a record to supplement the other related dockets (GTS proceeding).³⁶ The PUC provided for briefs and replies and committed to issue a Final Order on or before June 25, 1999. In addition, the PUC extended a stay on all related dockets pending further order of the PUC to allow the parties a full opportunity to present their respective positions on the outstanding issues and to aid in the resolution of the matter in its entirety. The stay extended the multiple proceedings until June 30, 1999 or until resolution of the Joint Petitions, whichever occurred earlier. This list from the April 2, 1999 Order³⁷ of stayed proceedings illustrates the ambition, complexity, and scope of the issues at play in the GTS proceeding:

A-310125F0002—Application of AT&T Communications of Pennsylvania, Inc.; Petition for Arbitration of Interconnection Agreement with GTE North, Inc.

R-00963666/R-00963666C0001—*Pennsylvania Public Utility Commission and AT&T Communications of Pennsylvania, Inc. v. GTE North, Inc.*

A-310203F0002/P-00961137—Application of MFS Intelenet of Pennsylvania, Inc. for Approval to Operate as a Local Exchange Telecommunications Company

A-310236F0002—Application of MCImetro Access Transmission Services, Inc. for a Certificate of Public Convenience and Necessity to Provide and Resell Local Exchange Telecommunications Services in Pennsylvania

C-00967717/R-00973866C0001—*Bell Atlantic-Pennsylvania, Inc. v. MCI Metro Access Transmission Services, Inc.*

I-00940035—Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications in the Commonwealth

I-00960066—Generic Investigation into Intrastate Access Charge Reform

I-00980075/M-00960840—Investigation into Bell Atlantic-Pennsylvania's Entry into In-Region Inter-LATA Services under Section 271 of the Telecommunications Act of 1996

I-00980080—Sen. Vincent J. Fumo Request for Declaratory and Injunctive Relief against Bell Atlantic for Violations of the Pennsylvania Telecommunications Act

L-00940095—Rulemaking Re Updating and Revising Existing Filing Requirement Regulations at 52 Pa. Code §§ 53.52-53.53

L-00940095F0002—Rulemaking Re Updating and Revising Existing Filing Requirement Regulations at 52 Pa. Code §§ 53.52-53.53—Interim Guidelines

L-00950105—Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth

M-00920376—Statement of Policy on Expanded Interconnection for Interstate Special Access

M-00960799—Implementation of the Federal Telecommunications Act of 1996

P-00971293—Petition of Bell Atlantic-Pennsylvania, Inc. for a Determination of Whether a Telecommunications Service is Competitive under Chapter 30 of the Public Utility Code

P-00971307—Petition of Bell Atlantic-Pennsylvania, Inc. for a Determination that Provision of Business Telecommunications Services is a Competitive Service under Chapter 30 of the Public Utility Code

P-00981404—Petition of Bell Atlantic-Pennsylvania, Inc. for a Generic Proceeding to Investigate Issuance of Local Telephone Numbers to Internet Service Providers by Competitive Local Exchange Carriers

R-00974174, R-00974174C0001, R-00974174C0002—*Pennsylvania Public Utility Commission v. The Bentleyville Telephone Company*

R-00984315, R-00984315C0001—*Pennsylvania Public Utility Commission v. Denver and Ephrata Telephone and Telegraph Company*

The GTS proceeding was devoted to implementing telecommunications market reforms occurring at both state and federal levels, and the Pa. USF was but a part of these efforts. The PUC itself described the Global proceeding as "an aggressive move to jump-start competition in the local telecommunications markets."³⁸ This necessarily involved access charges, unbundled network elements (UNEs), enhanced extended loops (EELs) and other UNE combinations, interconnection, digital tariffs, calling areas, resale, Universal Service Fund Carrier Charge Pool, Lifeline programs, consumer education, rate caps and ceilings, the Internet and reciprocal compensation, operations support systems (OSS), separation of wholesale and retail operations, performance measures, competitive service designations, Section 271 approval (47 U.S.C. § 271), regulatory parity and filing requirements, abbreviated dispute resolution, and the resolution of certain pending dockets.³⁹ While not all of these issues touch on matters pertinent to the Pa. USF, many do; the Global Order is, nevertheless, the definitive touchstone of the Pa. USF as we know it.

³⁶ In re Nextlink Pennsylvania, Inc., Docket Nos. P-00991648 and P-00991649, Order (April 02, 1999).

³⁷ Id.

³⁸ *Bell Atlantic—Pa. v. Pa. P.U.C.*, et al., 2003 WL 24232272 (E.D.Pa.).

³⁹ Id.

When considering how provisions of the 1648 and 1649 Petitions shaped the Pa. USF in the Global Order, one must keep in mind that the 1648 and 1649 Petitions were settlement proposals. Settlements are the product of compromise; it is impossible to “peek behind the curtain” to understand how each settling party weighs the value of each benefit and concession. Regarding the Pa. USF, the PUC took a favorable view of what appeared to be balanced compromise—the 1648 and 1649 Petitions each proposed similar universal service funding plans. This was achieved by the competitive carriers’ adoption of a modified form of the November 10, 1997 Joint Petition (i.e., the Small Company Plan), *supra*, as a part of their 1648 Petition.⁴⁰ Significantly, while the 1649 Petition argued in favor of retaining a \$12 million cap on the Bell-Atlantic Pennsylvania contribution used to size the Pa. USF, the 1648 Petition argued in favor of modifying the Small Company Plan by proposing to eliminate the \$12 million cap on Bell Atlantic Pennsylvania’s contributions to the Pa. USF.⁴¹

After reasserting its authority to establish a universal service fund, the PUC adopted a modified version of the Small Company Plan submitted as Appendix II of the 1649 Petition.⁴² The Global Order describes the Pa. USF as an interim pass-through mechanism designed to facilitate the transition to competitive markets until the PUC and the FCC permanently establish rules concerning universal services and access charge reform. In general terms, the Pa. USF was designed to temporarily replace carrier revenue lost to various forms of access charge reductions. Unlike either the 1648 or 1649 Petition, the Global Order recognized Sprint LTD (alternately known as United, then Embarq, then CenturyLink, and now Brightspeed) as a rural local exchange company and increased the size of the Pa. USF by \$9 million to accommodate its participation in the Pa. USF along with other rural carriers.⁴³ It also established revenue neutral rate rebalancing targets and a \$16 cap on local rates among other benchmarks. The Global Order recognized that the FCC was concurrently examining interconnection, access charges, and universal service issues. Under the expectation that permanent rules would be forthcoming, the PUC set an endpoint of December 31, 2003, for the interim Pa. USF mechanism it established in the Global Order.

Appendix II of the 1649 Petition was comprehensive. It contained a narrative explanation of the universal service fund settlement, an Appendix A with the terms and conditions of the universal service fund itself (complete with spreadsheets of expected contributions and payments by carrier), and an Appendix B with proposed language for Universal Service Fund regulations. While the inclusion of Sprint LTD would ultimately alter the figures contained in Appendix II, the following points are key to understanding how the Pa. USF would function if the 1649 Petition were approved:

- All providers of intrastate telecommunications services, excluding wireless carriers, contribute to the Pa. USF. Carriers that benefit from the fund both contribute and withdraw from the fund.
- The size of the fund is established annually using carrier gross intrastate end-user retail telecommunications revenues. While the amounts specified in 1649

Petition Appendix II, Exhibit 1, served as a floor for the size of the fund, the fund adjusts annually to account for access line growth of Pa. USF recipients. The formula does not take declines in access line numbers into account. That is, the size of the Pa. USF pool ratchets up, never down.

- Carrier contributions to the fund are proportional allocations of the required revenue replacement (the amount fixed above) based on gross intrastate telecommunications revenue. Thus, each carrier contributes to the Pa. USF pool according to the amount of revenue it obtains from its customers.
- While all required carriers contribute to the fund, those permitted to draw from it may experience participation in the fund as net cash negative, neutral, or positive.
- Bell Pennsylvania (now Verizon PA) may redirect PCO-mandated rate reductions from its customers to its Pa. USF funding contribution requirement.
- Bell Pennsylvania and GTE (now Verizon North) are the only ILECs that may not draw on the fund. With the addition of Sprint LTD, the carriers listed in Appendix II may draw on the Pa. USF.
- Carriers that draw on the fund do so in direct proportion to the amounts established in Appendix II, adjusted for access line growth.

For those carriers listed in 1649 Petition Appendix II, Exhibit 1, this system approximated access revenues recovery from the various access charge reductions mandated in the 1649 Petition and approved in the Global Order.

Parties appealed the Global Order with Pennsylvania’s then largest IXC arguing that access charge reductions did not go far enough.⁴⁴ Commonwealth Court’s consideration of the role of access charge reductions in universal service is instructive:

The record and the law support the PUC’s decision to reduce the above-cost access charges in phases, to a degree now, and then further, pursuant to a future proceeding.

* * *

One of the lessons of this proceeding is that the cost of excessively priced elements must be reduced to a point nearer to actual incremental cost, but not so greatly as to eliminate the support such revenue provides to other areas of the system that need that support.

The record here confirms the soundness of the PUC’s view, based on evidence from consumer witnesses, that users of all services, including access, should share in the payment of total network costs, with the cost of the local loop included as an element of that total network. Initiating a gradual transition in improving the placement of cost burdens is a valid approach in establishing rate structure.

With respect to the role of a universal service fund in the relocation of cost burdens, as urged by GTE, the PUC’s action on that element [. . .] was upheld.

Bell Atlantic-Pennsylvania, Inc. v. Pennsylvania Public Utility Comm’n., 763 A.2d 440 (Pa. Cmwlth. 2000), at 480 (internal citations and footnotes omitted).

As is apparent today, the PUC has the authority to both incrementally reduce access charges and to provide

⁴⁰ 1648 Petition at 41.

⁴¹ 1648 Petition at 42.

⁴² In re Nextlink Pennsylvania, Inc., 196 P.U.R. 4th 172, 1999 WL 1041892 *62-3 (September 30, 1999).

⁴³ In re Nextlink Pennsylvania, Inc., 196 P.U.R. 4th 172, 1999 WL 1041892 *61 (September 30, 1999).

⁴⁴ See *Bell Atlantic-Pennsylvania, Inc. v. Pennsylvania Public Utility Comm’n.*, 763 A.2d 440, 480 (Pa. Cmwlth. 2000).

support for access revenue-reliant non-traffic sensitive elements of the Commonwealth's telecommunications networks.

An important aspect of the Global Order, as determined by Commonwealth Court, is that the Global Order confirmed the PUC intention to reduce above-cost access charges in phases, to a degree now, and then further, pursuant to future proceedings. Participants in the GTS proceeding, including the PUC, wasted no time in beginning that work. On March 23, 2001, the PUC issued its Revised Final Rulemaking Order at Docket No. L-00000148.⁴⁵ That rulemaking amended Title 52 of the Pa. Code, Chapter 63, to include a final-form version of the Universal Service Regulations and to move the final-form regulations through the administrative approval process involving the Standing Committees of the General Assembly, the IRRC, the Governor's Budget Office, and the Attorney General. The March 23, 2001 Order confirmed, in no uncertain terms, that the Pa. USF was intended and designed to benefit end-users through the reduction of access and toll charges while enabling carriers to preserve the affordability of local service rates.⁴⁶ The regulations became effective on June 30, 2001,⁴⁷ and the Pa. USF began to function under the auspices of the National Exchange Carrier Association for administrative purposes until the PUC could conduct an RFP.

In September 2001, the PUC closed Docket No. L-00950102 with the acknowledgement that the reforms of the Global Order had resolved most of the issues raised in its investigations and rulemakings related to universal service, including developing a definition for "basic universal service" in its recently enacted regulation at 52 Pa. Code § 63.162.⁴⁸ Efforts to reform access charges continued apace; focus on the role of the new Pa. USF in that process did not diminish.

Also, efforts at federal interstate access reform were active at this time and influenced the course of proceedings before the PUC.⁴⁹ In January 2002, the PUC opened Docket No. M-00021596 to accommodate the access charge reduction investigation required by the Global Order.⁵⁰ In March 2002, AT&T filed a formal complaint seeking parity between the Verizon PA and Verizon North access charges based on merger commitments of the latter companies at Docket No. A-310200F0002.⁵¹ The PUC split that proceeding from the consideration of the access charges of Pa. USF recipients to Docket No. C-20027195.⁵²

On November 26, 2002, Verizon PA filed its annual Price Change Opportunity (PCO) seeking authority to use a negative PCO adjustment of \$17.7 million to fund its Pa. USF contributions; while challenged, the proposal

⁴⁵ Rulemaking Re Establishing Universal Service Fund Regulations at 52 Pa. Code §§ 63.161—63.172, Docket No. L-00000148, Proposed Rulemaking Order adopted January 27, 2000, Final Rulemaking Order Entered March 23, 2001.

⁴⁶ *Id.* at 1-2.

⁴⁷ See 31 Pa.B. 3402 (6/30/2001).

⁴⁸ Advance Notice of Proposed Rulemaking Re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth; Docket Nos. I-00940035 and L-00950102 (September 11, 2001).

⁴⁹ For a discussion of FCC access reform activity, particularly regarding rural carriers, see Access Charge Investigation per Global Order of September 30, 1999; Docket Nos. M-00021596, P-00991648, P-00991649 at 6—9 (July 15, 2003).

⁵⁰ Access Charge Investigation per Global Order of September 30, 1999; Docket Nos. M-00021596, P-00991648, P-00991649 Order (May 5, 2003), (July 15, 2003).

⁵¹ See Joint Application of Bell Atlantic Corporation and GTE Corporation for Approval of Agreement and Plan of Merger, Docket Nos. A-310200F0002; A-310222F0002; A-310291F0003; A-311350F0002, 1999 Pa. PUC LEXIS 86 (November 4, 1999). Verizon Pennsylvania Inc. (Verizon PA) is the company formerly known as Bell Atlantic-Pennsylvania, Inc., and Verizon North Inc. (Verizon North) is the company formerly known as GTE—North, Inc.

⁵² While initiated in 2002, the unresolved issues raised in Docket No. C-20027195 form, in part, the basis for this rulemaking at Docket No. L-2023-3040646.

was approved.⁵³ In December 2002, the Rural Telephone Company Coalition, Sprint/United, OCA, OTS, and OSBA filed a Joint Proposal designed to resolve the access charge reduction proceeding. In January 2003, AT&T challenged Verizon PA's request to use its PCO adjustment to fund its Pa. USF contributions. The July 15, 2003 Order resolved the issues of the Joint Proposal.

The July 15, 2003 Order granted the Joint Proposal of December 2002. That Joint Proposal, *inter alia*: (1) increased the residential rate cap from the \$16 established in the Global Order to \$18 for three years; (2) modified the Pa. USF to account for additional access reductions; (3) determined that the Pa. USF would continue under the existing regulations until a further rulemaking; (4) agreed to initiate a further Pa. USF rulemaking no later than December 31, 2004; (5) initiated a Pa. USF administrator RFP; and (6) directed that all IXCs should demonstrate by March 31 of each year how access reductions have benefited Pennsylvania customers on a dollar-for-dollar basis.⁵⁴

On November 30, 2004, the General Assembly enacted sweeping reforms to Chapter 30 of the Public Utility Code. Regarding access charges, these changes included the key provision of Section 3017 (relating to access charges) of the Code: "[t]he [PUC] may not require a local exchange telecommunications company to reduce access rates except on a revenue-neutral basis."⁵⁵ In addition, the repeal of telephone rate increase limitations in Section 1325 of the Code, and the enactment of permissive rate increase language in Section 3015(b) of the Code posed questions regarding how the PUC might manage access reductions going forward. Initiated on December 20, 2004, in response to its Order of July 15, 2003, the Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund at Docket No. I-00040105 was timely.⁵⁶

The December 20, 2004 Order acknowledged the July 15, 2003 Order's commitment to continued access reform and also the changes (and challenges) posed by the newly-amended Chapter 30. The December 20 Order directed the OALJ to conduct hearings and to develop an analysis and recommendation on six primary issues:

1. Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the RLECs' territories?
2. What rates are influenced by contributors to and/or disbursements from the Pa USF?
3. Should disbursements from the Pa USF be reduced and/or eliminated as a matter of policy and/or law?
4. Assuming the Pa USF expires on or about December 31, 2006, what action should the PUC take to advance the policies of this Commonwealth?

5. If the Pa USF continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the [PUC] know which wireless carriers to assess? Will the [PUC] need to require wireless carriers to register with the [PUC]? What would a wireless carrier's contribution be

⁵³ See Verizon Pennsylvania Inc.'s 2003 Price Change Opportunity, Docket No. M-00031694; *AT&T Communications of Pennsylvania, Inc., v. Verizon Pennsylvania Inc. Re: Verizon Pennsylvania Inc.'s 2003 PCO*, Docket Nos. M-00031694C0001 and P-00930715, Summary Judgment Order (September 9, 2003).

⁵⁴ Access Charge Investigation per Global Order of September 30, 1999; Docket Nos. M-00021596, P-00991648, P-00991649, Order at 6—9 (July 15, 2003).

⁵⁵ 66 Pa.C.S. § 3017.

⁵⁶ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund, Docket No. I-00040105 (December 20, 2004).

based upon? Do wireless companies split their revenue bases by intrastate, and if not, will this be a problem?

6. What regulatory changes are necessary to the [PUC's] Pa. USF regulations at 52 Pa. Code §§ 63.161—63.171 given the complex issues involved as well as recent legislative developments?

Id. at 5-6.

As the OALJ began the proceeding in early 2005, the FCC also instituted an intercarrier compensation reform proceeding that would ultimately produce the CAF Order over six years later.⁵⁷ In August 2005, and again in November 2006, the PUC stayed its investigation; the PUC and the parties anticipated that any FCC action had the potential to make state efforts moot. On April 24, 2008, approximately three years later, the PUC reopened Docket No. I-00040105 for the limited purpose of directing the OALJ to address twelve issues related to the Pa. USF.⁵⁸ The PUC issued a third stay on other issues pending an FCC order, or until April 2009. The OALJ commenced the proceeding including testimony, hearings, and briefs. This proceeding would produce the ALJ Colwell Recommended Decision at the above docket.

On March 19, 2009, each of the three AT&T companies operating in Pennsylvania (AT&T Communications of Pennsylvania, LLC, TGC Pittsburgh, Inc., and TGC New Jersey, Inc.) filed individual complaints against thirty-two Pennsylvania Rural Local Exchange Carriers (RLECs)—a total of ninety-six formal complaints (AT&T complaints). The AT&T complaints alleged intrastate access charge violations of the Public Utility Code and sought a remedy of parity between intrastate and interstate access charges. The PUC assigned the complaints to OALJ where ALJ Melillo consolidated the cases into one proceeding at lead docket C-2009-2098380. This proceeding would produce part of the ALJ Melillo Recommended Decision. On March 25, 2009, the PTA, CenturyLink (CTL), and OCA moved that the PUC issue a fourth stay of the RLEC Access Charge Investigation.

On June 26, 2009, PTA and CTL petitioned to request that the PUC stay, or in the alternative, consolidate the AT&T complaints with the RLEC Access Charge Investigation issues. On July 23, 2009, the PUC issued ALJ Colwell's Recommended Decision on the twelve limited Pa. USF issues. On July 29, 2009, the PUC denied the PTA and CTL Petition for stay of the AT&T complaints and instead consolidated the AT&T case with the RLEC Access Charge Investigation. On August 5, 2009, the PUC denied the PTA, CTL, and OCA request for a fourth stay on the RLEC Access Charge Investigation, noting its concern with continued FCC delay. The PUC assigned the now-consolidated AT&T complaints at Docket No. C-2009-2098380 and RLEC Access Charge Investigation at Docket No. I-00040105 to OALJ (ALJ Melillo), directing that the OALJ not re-litigate the issues of the ALJ Colwell Recommended Decision, and that the OALJ produce a recommended decision within twelve months of the entry of the Order or by August 5, 2010.⁵⁹ ALJ Melillo issued the Recommended Decision on August 3, 2010. The Parties filed timely exceptions and replies.

⁵⁷ See In the matter of Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, FCC 05-33, Further Notice of Proposed Rulemaking (released March 3, 2005).

⁵⁸ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105; 2006 Annual Price Stability Index/Service Price Index Filing of Denver & Ephrata Telephone and Telegraph Company, Docket Nos. P-00981430F1000, R-00061377, et al., at 30—33 (April 24, 2008).

⁵⁹ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105 (August 5, 2009).

In the interim, on December 28, 2010, the PTA petitioned the PUC to expand the base of telecommunications providers that contribute to the Pa. USF to include wireless carriers and VoIP providers and to enter any other order necessary to accomplish this important public policy goal.⁶⁰ OCA filed an Answer in Support of the PTA's Petition.

Additionally, AT&T Communications of Pennsylvania (AT&T), TCG Pittsburgh & TCG New Jersey (collectively TCG), Comcast Phone of Pennsylvania and Comcast Business Communications (collectively Comcast), Verizon⁶¹ and the Broadband Cable Association of Pennsylvania (BCAP) each filed Answers to the Petition.

T-Mobile Northeast LLC (T-Mobile), Sprint/Nextel Corporation (Sprint), Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless) and CTIA-The Wireless Association (CTIA) (collectively, the "Wireless Carriers") filed an Answer in Opposition to Petition. The Wireless Carriers also submitted Preliminary Objections in response to PTA's Petition for the unlawful expansion of the Pa. USF contribution base. Additionally, Verizon filed Preliminary Objections to PTA's Petition. The PTA filed an answer to preliminary objections of the Wireless Carriers and Verizon. No further action has been taken by the PUC on PTA's Petition.

On July 18, 2011, the PUC issued its Opinion and Order in the consolidated AT&T complaint and RLEC Access Charge Investigation docket.⁶² Of note to this rulemaking, the Order determined, in *passim*, that:

- The PUC has authority to perform just and reasonable rate analysis under Chapter 30, i.e., to determine if newly proposed increases represent just and reasonable rates.
- Chapter 30 does not impose a set rate cap on carriers.
- The Pa. USF should not subsidize RLEC Chapter 30 rate increases.
- The Pa. USF recovery of amounts over the \$16 cap from the Global Order related only to amounts considered in the Global Order, and then only for rate rebalancing of access and toll revenues.
- The Pa. USF is a means to reduce access and toll rates for the ultimate benefit of end-users, to encourage greater toll competition, while enabling carriers to continue to preserve the affordability of local service rates.
- The instant rulemaking is required to consider the efficacy of the current Pa. USF model and regulations.
- The balance of access charges and local service rate contributions to joint and common costs may not be adequately preserved under current access charge rates.
- Pennsylvania consumers should be the beneficiaries of Pennsylvania access charge reductions.
- Carrier of last resort (COLR) obligations to provide adequate, safe, and reliable service extend to the provision of retail telecommunications services throughout a carrier's service area.

⁶⁰ Petition of Pennsylvania Telephone Association for Order to Expand the Base of Contributing Carriers to the Pennsylvania Universal Service Fund To Include Wireless Carriers and VoIP Providers, Docket No. P-201022177 (filed December 28, 2010) (PTA Petition).

⁶¹ "Verizon" includes Verizon Pennsylvania, Inc. Verizon North LLC, Verizon Long Distance LLC, MCI Metro Access Transmission Services LLC d/b/a Verizon Access Transmission Services, MCI Communications Services Inc., Verizon Select Services Inc., Verizon Enterprise Solutions LLC and Cellco Partnership d/b/a Verizon Wireless.

⁶² Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105; *AT&T v. Armstrong Telephone Company, et al.*, Docket No. C-2009-2098380, et al., (July 18, 2011).

- COLR obligations are a construct of the Public Utility Code, precedent, and federal law; as such, that obligation is not obviated by intermodal competition;

- COLR obligations extend to interconnection and transport of various traffic protocols from wire and wireless carriers.

- Precedent and policy require that joint and common costs be shared among all users of an RLECs' intrastate access services and that placing 100% of these costs on the end-user would be inequitable, discriminatory, and unlawful.

- Revenue neutral rebalancing of access charges should be accomplished only through increases to noncompetitive services.

- RLECs did not avail themselves of the opportunity to develop optimum rate designs under the rebalancing efforts since the Global Order.

- Carriers should not read "revenue neutral" access reductions as "guaranteed revenue recovery."

- The complete elimination of the carrier charge (CC) to recover local loop costs is not warranted.

- The existing \$18 rate cap should be eliminated by the substitution of a \$23/month, exclusive of taxes and fees, affordability benchmark.

- The AT&T complaints were resolved and that the three-phase implementation of access charge reductions recommended by ALJ Melillo was appropriate and should proceed.

On August 2, 2011, the PTA and CTL filed a Joint Petition for Limited Reconsideration and Stay of this Order. AT&T and TGC Pittsburgh and New Jersey filed a petition for Reconsideration and Clarification on that same date. On August 11, 2011, the PUC granted reconsideration pending review on the merits. Interested parties filed timely answers to these petitions. On August 19, 2011, the PUC issued the templates proposed in the July 18, 2011 Order; interested parties provided comments thereafter.

On November 18, 2011, the FCC released its CAF Order addressing, among other matters, a sea change in its intercarrier compensation regime.⁶³ The CAF Order imposes, over a transition period, a bill-and-keep access charge regime in place of the former access charge and reciprocal compensation regime for terminating traffic. The bill-and-keep regime has the legal effect of relieving IXCs from the obligation to contribute to the joint and common costs of RLEC networks. It has the practical effect of greatly exacerbating the financial challenges addressed in this rulemaking because the bill-and-keep regime mandates end-state access rates of \$0.

On March 20, 2012, the PUC reopened the record of the July 18, 2011 proceeding for the purpose of examining the effects of the CAF Order on the determinations of the July 18, 2011 Order. The PUC invited updated petitions for reconsideration, and interested parties provided answers thereto. In addition, on May 10, 2012, the PUC provided guidance to its regulated carriers regarding the July 1, 2012 state tariff filings required by the CAF Order. The May 10, 2011 Order affirmed that we maintained the intrastate carrier charge/carrier common line at that time regardless of the FCC reforms to interstate

access. It also determined that the PUC would not act on originating access at that time.

On August 9, 2012, the PUC issued its Order directing this rulemaking proceeding, among other matters.⁶⁴ While that August 9, 2012 Order indefinitely stayed the access reforms of the July 11, 2011 Order pending resolution of the CAF Order appeal and the latter PUC Order, the rulemaking was also delayed.⁶⁵ The August 9, 2012 Order delayed the access reforms because the PUC recognized the futility of attempting to implement access reform provisions directly in conflict with those in the CAF Order. The PUC similarly increased the \$23 local service rate benchmark established in the July 18, 2011 Order to \$30 to match the FCC Residential Rate Ceiling so that carriers may obtain maximum federal funding support. It also reaffirmed the full suite of RLEC carrier of last resort obligations and the retention of the intrastate CC as a method of recovering joint and common costs. While the PUC reiterated that it determined that the Pa. USF would not be used for additional access reform, it also noted that a rulemaking could consider that issue. The August 9, 2012 Order considered responses to the five questions posed in the March 12, 2012 Order, and endorsed the AT&T proposal to segregate originating and terminating traffic for the purpose of allocating the CC under the CAF Order. The PUC also recognized that the CAF Order access recovery reforms represented an exogenous event subject to approved Chapter 30 plans and Section 1301 of the Code.

Legislative Initiatives Re Pa. USF

Prior legislative proposals in the Pennsylvania General Assembly to amend Chapter 30 of Title 66, 66 Pa.C.S. §§ 3011—3019 (relating to alternative form of regulation of telecommunications services), as well as the PUC's regulations at 52 Pa. Code §§ 63.161—63.171 (relating to universal service), have delayed our initiation of the instant rulemaking. The PUC has attempted to avoid a rulemaking to amend its Pa. USF regulations in order to allow legislative efforts to move forward that would revise the telecommunications regulatory landscape in a more comprehensive manner.

To quickly recount several legislative proposals over the last decade, the Pennsylvania House has proposed HB 2496 of 2012, HB 1608 of 2013, House Resolution No. 630 of 2017, House Resolution No. 63 of 2019, and House Resolution No. 354 of 2019. These initiatives would have, among other things, provided for the continuation of PUC-approved alternative regulations and network modernization plans, directed the PUC to commence an investigatory proceeding regarding the Pa. USF, and directed an audit and study on the compliance of nonrural telecommunication carriers with the Public Utility Code and high-speed broadband universal service deployment mandates. House Resolution No. 630, specifically, would have urged the FCC to favorably consider the joint petition filed by the PUC and the Department of Community and Economic Development (DCED) as part of the effort to address Pennsylvania's digital divide by preserving Federal funding to increase access to high-speed Internet services in rural areas across the state.

Additionally, the PA Senate has proposed SB 740 of 2017, SB 1112 of 2020, SB 341 of 2021, and SB 85 of

⁶³ See Footnote 72, supra. The CAF Order does not substantively address originating traffic other than noting that the FCC intends to initiate a rulemaking to reform it in the near future.

⁶⁴ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105; *AT&T v. Armstrong Telephone Company, et al.*, Docket No. C-2009-2098380, et al.; Implementation of the Federal Communications Commission's Order of November 18, 2011, as Amended or Revised and Coordination with Certain Intrastate Matters, Docket No. M-2012-2291824 (August 9, 2012).

⁶⁵ This ANOPR at Docket No. L-2023-3040646 is the beginning of the rulemaking contemplated in the August 9, 2012 Order.

2023. Among other things, these initiatives would have required the PUC to issue annual reports identifying Fund disbursements, waived several PUC regulations while retaining PUC oversight of the Pa. USF, and required newly promulgated regulations to be supported by factual findings and determinations based on an evidentiary record that demonstrated a need for the regulation with benefits that outweighed the costs to comply with and enforce the regulation. Finally, the Senate adopted Senate Resolution No. 48 of 2019, which directed the Legislative Budget and Finance Committee to conduct a review of the compliance of telecommunications carriers with the high-speed broadband deployment mandates of Chapter 30 and to report findings and recommendations to the Senate.

Discussion

With this background, the PUC initiates this rulemaking to consider the need to revise the Pennsylvania Universal Service Fund regulations at 52 Pa. Code §§ 63.161—63.171 pursuant to our Orders of July 18, 2011, and August 9, 2012. The adopted definition, now at 52 Pa. Code § 63.162, continues to reflect the previously discussed commenter concerns with flexibility and scope:

Basic universal service—An evolving set of telephone services, as defined by the PUC, which represents the set of services essential for a resident of this Commonwealth to participate in modern society at any point in time.

As part of this rulemaking, we will now consider its continued validity and meaning.

The PUC also notes, at this time, additional trends that indicate the necessity of reforming the Pa. USF. In 2007, the total intrastate end-user telecommunications retail revenue, which excludes revenues received from access, resale (toll or local), or the sale of unbundled network elements or other services essentially wholesale in nature,⁶⁶ for all assessed carriers totaled \$3,049,572,900.82.

In 2021, those end-user revenues had dropped to \$1,347,151,452.88, a decrease of \$1.7 billion or roughly 56% of assessable revenues. From the time the PUC originally contemplated this rulemaking in 2011 until 2021, total end-user revenues have decreased by more than \$996 million. Meanwhile, monthly support amounts from the Pa. USF have remained relatively stable, increasing only \$20,862.43 between 2009 and 2023. Still, a diminishing number of contributors, down from 271 in 2009 to 213 in 2023, means that the burden of shouldering support amounts is shared by fewer carriers.

Similarly, the number of access lines claimed by the carriers receiving support funds continues to decrease. While reporting an increase access in lines can yield a support carrier additional funds, decreases in access lines do not lessen support from the Pa. USF pursuant to the calculation formula at Section 63.165(b). Between 2007 and 2021, carriers receiving support from the Pa. USF have seen the number of access lines decrease from 1,099,688 to 328,438, a total decrease of 771,250. This trend exacerbates the need to reevaluate how support from the Pa. USF works. The annual intrastate revenues of carriers receiving monies from the Pa. USF has decreased from \$345,041,043 to \$117,416,886.13 between 2007 and 2021. Thus, there is a clear convergence of less total end-user intrastate revenues, fewer access lines, and a diminishing contribution base that undergirds potential Pa. USF reform. Due to these circumstances, the Pa. USF

Administrator presented various proposals in its 2022 Annual Report, as well as in reports from several previous years, to address the issues concerning the Pa. USF, including a recommendation to examine the Pa. USF mechanism and the contribution base methodology.⁶⁷

The PUC seeks to strike a balance—to obtain the economic benefits of competition while at the same time supporting the health, safety, and welfare of Pennsylvania's citizenry. Any consideration of this balance must acknowledge the ongoing role of Pennsylvania's incumbent telecommunications service providers. The current Pa. USF was born out of compromise over how Pennsylvania could balance access revenues and local service rates. The PUC has employed revenue-neutral mechanisms like the Pa. USF to ensure service availability to all consumers, particularly those in rural areas. This method has ensured service availability, avoided rate shock, allowed for network modernization, and avoided undue economic harm to incumbents in the competitive telecommunications era.⁶⁸ Indeed, it is now Commonwealth law that the PUC cannot order access charge reductions except on a revenue-neutral basis.⁶⁹

The genesis of the current Pa. USF regulations is in the compromises detailed in the November 1997 Joint Petition In Settlement, discussed above.⁷⁰ Since that time, stakeholders have proposed modifications to the Pa. USF through various procedural vehicles available before the PUC. In addition, the FCC, through its November 2011 Connect America Fund Order (CAF Order),⁷¹ has enacted sweeping changes to both inter and intrastate access rates and proposed entirely new funding mechanisms to temporarily replace access revenue lost because of CAF Order reforms. In short, it is a time of extreme flux for Pennsylvania's local exchange telecommunications companies (LETCs) whose business models are reliant on access revenue, or access revenue support, in one form or another.

In recognition of long-standing requests for Pa. USF reform on the part of Pennsylvania stakeholders,⁷² and in light of sweeping changes occurring at the federal level,⁷³ the PUC determined to initiate this rulemaking. As concerns over the diminishing contribution base continue, the need for Pa. USF program reform remains. This rulemaking will address whether and what type of reform the current Pa. USF program may require ensuring that Pennsylvania achieves the multiple universal service public policy goals prescribed by Pennsylvania and Federal law. For example, the Voice-Over-Internet Protocol Freedom Act empowers the PUC to enforce applicable Federal and State statutes and regulations relating to, among other things, universal service fund fees.⁷⁴

In conjunction with issuing this ANOPR, the PUC takes action on the pending PTA Petition to expand the base of telecommunications providers that contribute to the Pa.

⁶⁷ The Pa. USF Administrator's Annual Report, going back to 2012, can be found at <https://www.puc.pa.gov/telecommunications/pa-universal-service-fund>. Additionally, PUC annual rate adjustment orders dating back to 2014 are available at the same location and at Docket No. M-00001337.

⁶⁸ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105 at 3 (December 20, 2004).

⁶⁹ 66 Pa.C.S. § 3017(a) (relating to access charges).

⁷⁰ 52 Pa. Code §§ 63.161—63.171. See also Docket No. I-00040105, Footnote 31.

⁷¹ Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Red 17663 (2011) (CAF Order and/or FNPRM) aff'd sub nom., In re: FCC 11-161, 753 F.3d 1015 (10th Cir. 2014).

⁷² Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105. *AT&T v. Armstrong Telephone Company, et al.*, Docket No. C-2009-2098380 et al.

⁷³ Implementation of the Federal Communications Commission's Order of November 18, 2011, as Amended or Revised and Coordination with Certain Intrastate Matters, Docket No. M-2012-2291824 at 66-67 (August 9, 2012).

⁷⁴ 73 P.S. § 2251.6.

⁶⁶ See section 63.162 (relating to definitions).

USF to include wireless carriers and VoIP providers. We expect that comments submitted in early 2011 in response to the 2010 PTA Petition may have become stale and this ANOPR addresses many of the issues presented in PTA's Petition. Accordingly, the PUC shall deny PTA's Petition without prejudice because of the significant overlap between issues addressed in this ANOPR and the 2010 PTA Petition.

Comments to this Advance Notice of Proposed Rulemaking

While the PUC welcomes all useful comments regarding the Pa. USF and regulatory reform, the PUC specifically seeks comments on the questions set forth in Appendix A. Commenters proposing reform should explain how proposed reforms would reasonably and effectively transition from the existing Pa. USF program in a manner that promotes competitive neutrality and affordable rates for telecommunications services.

Additionally, comments should include, where appropriate, reference to existing regulations and proposed language for revision along with explanatory narrative for each recommendation. The PUC welcomes offers of proposed language for our consideration in revising the regulatory provisions of 52 Pa. Code §§ 63.161—63.171. Finally, we encourage commentators to raise any matters or issues that may have been overlooked in this notice.

Conclusion

With this rulemaking, the PUC intends to achieve a functional, competitively neutral universal service program that supports the statutory directives of the Public Utility Code, PUC policy and federal law. Comprehensive and detailed comments will assist in the development of a cohesive and thorough rulemaking.

This Advance Notice of Proposed Rulemaking Order is in addition to the normal rulemaking procedures for publication and comment established under the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq. Accordingly, pursuant to Sections 501, 504, 505, 506, 1301, and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506, 1301, and 1501, and the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq., and the regulations promulgated thereunder, we shall initiate a rulemaking proceeding to comply with our August 9, 2012 Order at Docket Nos. I-00040105. C-2009-2098380; and M-2012-2291824; *Therefore,*

It Is Ordered That:

1. Entry and publication of this Advance Notice of Proposed Rulemaking Order and Appendices A and B indicate that the Public Utility Commission intends to commence a rulemaking proceeding at this docket to consider revisions of the Public Utility Commission regulations appearing in 52 Pa. Code §§ 63.161—63.171 relating to the Pennsylvania Universal Service Fund.

2. This Advance Notice Of Proposed Rulemaking Order and Appendices A and B be posted on the Public utility Commission's website.

3. Copies of this Advance Notice of Proposed Rulemaking and Appendices A and B be served on all jurisdictional telecommunications utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, and parties to the proceedings at Docket Nos. I-00040105; C-2009-2098380; and M-2012-2291824.

4. This Advance Notice Of Proposed Rulemaking Order and Appendices A and B be delivered to the Governor's Budget Office for fiscal review.

5. This Advance Notice Of Proposed Rulemaking Order and Appendix A be published in the *Pennsylvania Bulletin*.

6. Interested parties may submit electronic or written comments within 90 days, and reply comments within 120 days, from the date this Advance Notice of Proposed Rulemaking and Appendix A is published in the *Pennsylvania Bulletin*.

7. Comments regarding this Advance Notice of Proposed Rulemaking Order and Appendix A may be filed electronically through the Public Utility Commission's efilings system,⁷⁵ in which case no paper copy needs to be filed with the Secretary of the Public Utility Commission provided that the filing is less than 250 pages.⁷⁶ Certain items such as confidential or proprietary material cannot be efiled.⁷⁷ If you do not efile, then you are required to mail, preferable by overnight delivery, one original filing, signed and dated, with the Commission's Secretary at: Pennsylvania Public Utility Commission, Commonwealth Keystone Building 2nd Floor, 400 North Street, Harrisburg, PA 17120. Comments must reference Docket No. L-2023-3040646. All pages of filed comments, with the exception of a cover letter, must be numbered. Commenters must also email a copy of their comments in electronic format (Microsoft Word readable-equivalent) to Colin W. Scott, Esq., (colinscott@pa.gov), Christopher F. Van de Verg, Esq., (cvandeverg@pa.gov), Spencer Nahf (snahf@pa.gov), Karen Thorne, RRA, (kathorne@pa.gov), and ra-pcpregreview@pa.gov. All comments will be posted comments on the Public Utility Commission website.

8. The contact persons for this matter are Spencer Nahf (717-787-5164) in the Bureau of Technical Utility Services and Colin W. Scott (717-783-5949) and Christopher F. Van de Verg (717-783-3459) in the Law Bureau.

9. The December 28, 2010 Petition of the Pennsylvania Telephone Association for Order to Expand the Base of Contributing Carriers to the Pennsylvania Universal Service Fund to Include Wireless Carriers and VoIP Providers, Docket No. P-2010-2217748, is denied without prejudice. In regard to the instant rulemaking at Docket No. L-2023-3040646, the Public Utility Commission may take official notice, on its own initiative or upon request, of matters on the record in P-2010-2217748.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 24, 2023

ORDER ENTERED: September 20, 2023

Appendix A

Follow the numbering pattern when you answer the questions below. Provide rationales for each of your responses; do not merely respond "yes" or "no." Include suggested regulatory language. If you have additional points to make, do so after you have answered the questions.

1. Definitions at 52 Pa. Code § 63.162:

a. Should the Pennsylvania Public Utility Commission (PUC) amend the Section 63.162 definition of "basic universal service" to reach beyond telephone service, which would align it with federally applicable principles (e.g., Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011))?

⁷⁵ <https://www.puc.pa.gov/efiling/default.aspx>.

⁷⁶ If your filing is 250 pages or more, then you are required to mail one copy of the filing to the Secretary.

⁷⁷ See <https://www.puc.pa.gov/filing-resources/efiling/> for instructions regarding materials that cannot be efiled.

b. Should the PUC amend the definition of “contributing telecommunications providers”?

i. Should the definition include interconnected VoIP under 73 P.S. § 2251.6?

ii. Should the definition include wireless providers?

c. Should the PUC establish its own definition of “telecommunications carrier” independent of federal law as interpreted by the Federal Communications Commission (FCC)?

2. Carrier of last resort (COLR) or provider of last resort (POLR)

a. Should the regulations clarify or define COLR or POLR obligations for Fund Recipients? If so, what do you suggest?

b. Should there be only one provider with COLR or POLR obligation in a designated area and how should they be chosen?

3. Competitive market for basic universal service

a. Does requiring some, but not all, federally defined telecommunications carriers to contribute to the Pa. USF support a competitive market for basic universal service? Why or why not?

b. Is such a regime non-discriminatory under state or federal law?

c. Should the classification of the contributing entities to the Pa. USF be aligned with FCC Form 499 classifications?

4. Should the Commission model its own approach to universal service using the current federal approach which requires a recipient of universal service to construct a voice network that can provide voice but also internet service at federal speeds and requires recipients to stand ready to provide voice and internet service at a required speed as a condition of receiving universal service as a POLR service and COLR network obligations?

5. Would Federal USF and intercarrier compensation reforms under the Connect America Fund Order and the Universal Service Reform Order affect the need for continuing and/or expanding the operational scope and the purposes of the Pa. USF? Why or why not?

6. Would state law or Federal law prohibit the PUC from expanding the scope of the Pa. USF to high cost or low-income support? Why or why not?

7. Should the Commission’s proposed provision of universal service support be conditioned on a recipient providing voice and internet services at federal speeds to all consumers in a designated area, particularly if VoIP and Broadband Internet Access Service (BIAS) are classified as telecommunications under federal law?

8. Should the Commission alter its current structure, in which support is provided in the entire service territory (service area) of an Incumbent Local Exchange Carrier (ILEC) service territory, in favor of another approach? If so, how could the Commission achieve that consistent with federal law?

9. Should the Pa. USF have a dedicated purpose or designation for providing support to eligible recipient carriers? Why or why not? What criteria should the PUC use for this purpose?

a. Should the PUC use a cost model or other method for ascertaining the level of support distributions to eligible carriers? Why or why not? If so, how should the model operate?

b. Should such a cost model or other method be already generally acceptable and in use, e.g., used by the FCC in ascertaining federal USF high-cost support for eligible carriers? Why or why not?

c. Should the level of support to eligible carriers be determined based on revenue, e.g., because of intrastate intercarrier compensation reforms, rate rebalancing, residential rate benchmarks, etc. Why or why not?

d. Should the level of support to eligible carriers operate as “supplemental support” to any Federal high-cost support? Why or why not?

e. Should Pa. USF support continue even if a corresponding Federal support mechanism expires? Why or why not?

f. Should the level of Pa. USF support to eligible carriers be ascertained on the basis of need and associated criteria, including but not limited to:

i. An overall rate of return benchmark that is periodically adjusted and applicable on both the regulated and unregulated operations of the eligible Pa. USF recipient carriers?

ii. An overall rate of return benchmark that is periodically adjusted and applicable only on the intrastate jurisdictional operations of the eligible Pa. USF recipient carriers?

iii. A cost and revenue relationship where network access costs are determined by cost model or other acceptable method and revenues are inclusive of retail and wholesale telecommunications services and unregulated services?

iv. Should unregulated services and operations exclude both costs and revenues of video content delivery?

v. A cost and revenue relationship that is limited to the eligible recipient’s intrastate regulated telecommunications operations?

vi. Other criteria?

g. What reporting requirements should exist?

i. Should reporting be in conjunction with, or supplemental to, Federal USF (inclusive of CAF fund use) reporting requirements as revised by the Universal Service Reform Order?

ii. Should PUC reporting requirements ensure that carriers utilize Pa. USF support distributions for intended and relevant purposes, and not for the support of unrelated operations or activities of the recipient carrier? For example, should recipients provide details on how Pa. USF distributions are used for the support of network facilities that are jointly utilized by both regulated and unregulated retail and wholesale services that are provided by the recipient carrier?

10. Is it prudent to augment the Pa. USF by providing support so that consumers can purchase voice and/or internet service to further the federal universal service mandate of Section 254, 47 U.S.C.A. § 254, that there must be comparable rates for comparable services in rural and urban areas and Pennsylvania’s universal mandate set out in Chapter 30, Pa.C.S. §§ 3001 et. seq.

11. Should the Pa. USF provide low-income residential service support?

a. If no, why not?

b. If yes, in what form?

i. How might this support be coordinated with Federal USF low-income support already provided by eligible carriers that are recipients of Pa. USF disbursements and the federal eligibility requirements for low-income end-user consumers?

ii. What eligibility rules or limitations should apply?

12. Should the Pa. USF provide high-cost support?

a. Should the PUC use a cost model or other method for ascertaining whether eligible carriers require support? If a cost model is proposed, provide public access to a web or excel-based template.

b. Should such a cost model or other method be already generally acceptable and in use?

c. Should the level of high-cost support be based on revenue, e.g., because of intrastate intercarrier compensation reforms, rate rebalancing, residential rate benchmarks, etc.

d. Should the level of high-cost support to eligible carriers operate as “supplemental support” to any Federal high-cost support?

e. Should Pennsylvania high-cost support continue even if corresponding Federal USF high-cost support mechanisms expire?

f. Should the level of Pa. USF high-cost support to eligible carriers be ascertained on the basis of need and associated criteria including:

i. An overall rate of return benchmark that is periodically adjusted and applicable on both the regulated and unregulated operations of the eligible Pa. USF recipient carriers?

ii. An overall rate of return benchmark that is periodically adjusted and applicable only on the intrastate regulated operations of the eligible Pa. USF recipient carriers?

iii. A cost and revenue relationship where network access costs are determined by cost model or other acceptable method and revenues are inclusive of retail and wholesale telecommunications services and unregulated services?

iv. Unregulated services and operations exclusive of costs and revenues of video content delivery?

v. A cost and revenue relationship that is limited to the eligible recipient’s intrastate regulated telecommunications operations?

vi. Other criterion or criteria?

g. Reporting requirements

i. Should reporting be in conjunction with, or supplemental to, Federal USF (inclusive of CAF fund use) reporting requirements, as revised by the Universal Service Reform Order? Why or why not?

ii. Should reporting requirements ensure that Pa. USF support distributions are utilized for the intended and relevant purposes and not for the support of unrelated operations or activities of the recipient carrier? For example, should recipients provide details on how Pa. USF distributions are used for the support of network facilities that are jointly utilized by both regulated and unregulated retail and wholesale services that are provided by the recipient carrier? Why or why not?

13. Should a recipient of Pa. USF support be required to document its network and service cost costs in a public

on-the-record proceeding to ensure an accurate demonstration of the support to be draw from the Fund?

14. Size of the Pa. USF

a. Should the Pa. USF continue to use the support floor contained in the November 10, 1997 Joint Petition In Settlement adopted in the Global Order, Docket Nos. P-00991648, P-0991649, (September 30, 1999)? Why or why not?

b. Should the PUC adjust the support floor for each eligible recipient carrier based on factors such as intrastate carrier access charge reform or additional proposed uses of the Pa. USF? Why or why not? What factors should be used?

15. Computational formula of 52 Pa. Code § 63.165

a. Should the PUC alter the computational formula of 52 Pa. Code § 63.165?

b. Should the formula allow for negative access line growth? If so, how?

c. Should the calculation reflect current Fund Recipient access line counts?

d. Should the calculation be adjusted for exogenous events for each eligible recipient carrier for factors such as intrastate access charge reform or additional proposed uses of the Pa. USF?

e. Should the computational formula be modified so that the levels of Pa. USF support distributions to each eligible carrier can be periodically adjusted within a calendar year with corresponding adjustments to the Pa. USF contribution levels? For example, other state-specific USFs and the Federal USF permit for quarterly adjustments in both the contribution payments and support payment disbursements during a calendar year.

16. How may the regulations address technological advances, especially regarding contributing telecommunications provider and fund recipient reporting procedures?

17. What are the linkages and interactions of the existing Federal and Pa. USF. Address at a minimum the following areas:

a. Should the Pa. USF contribution mechanism align with the corresponding contribution mechanism of the revised Federal USF? If they do not align, provide concise discussion of what legal and technical issues may arise and how such issues may be resolved.

b. If the FCC adopted a telephone numbers-based contribution system for the Federal USF, should the Pa. USF contribution mechanism follow that approach?⁷⁸

c. Describe the legal and technical issues that may arise for the operation of the Pa. USF if, as a result of the FCC Federal USF Contribution Base FNPRM, the Federal USF contribution mechanism crosses jurisdictional boundaries through, e.g., assessment of intrastate revenues. Provide a concise discussion of the relevant issues for the Pa. USF mechanism and their potential resolution.

18. How would alterations to the Pa. USF affect broadband deployment under current obligations?

19. Are non-jurisdictional services provided by affiliates of telecommunications providers that hold certificates of public convenience (CPCs) for regulated services within

⁷⁸ See generally, In re Universal Service Contribution Methodology, et al., (FCC, Rel. April 30, 2012), WC Docket No. 06-122, GN Docket No. 09-51, Further Notice of Proposed Rulemaking, FCC 12-46 (FCC Federal USF Contribution Base FNPRM).

Pennsylvania relevant to the size or scope of the Pa. USF? Why or why not? Is provision of VoIP services relevant? Why or why not?

20. Should the Commission's support for the networks and services needed to advance universal service in Pennsylvania continue to be recovered via assessments on services from retail intrastate revenues alone, or should the contribution base be expanded to include revenues from all regulated and unregulated services provided over a supported network, including wholesale revenues and other services, given that the supported network can provide, among other things, regulated and unregulated services such as wireless backhaul transport and internet service?

21. Should the Commission continue prohibiting a stand-alone surcharge on individual consumers to recover the cost of universal service?

22. Should the 1% uncollectable additive referenced in 52 Pa. Code § 63.165 be moved from 1% to 5% to reflect the PUC's current practice? Why or why not?

23. Should the PUC establish a monetary penalty for those companies that do not timely submit an assessment form? Why or why not? If so, what would an appropriate fee be for a late filing? Would other enforcement action be appropriate?

24. Should the PUC consider revising the current late payment fee of 1.5% per month for failure to make timely payments? Why or why not? If so, what should the fee be going forward? Should there be a built-in adjustment factor?

25. Should the PUC revise the regulations to require a lump sum, quarterly or monthly payment of Pa. USF assessments? What thresholds would be appropriate for each remittance interval?

26. Should the PUC revise the regulations to change the de minimis threshold from \$120 as set forth in 52 Pa. Code § 63.169(c) to another amount? Why or why not? If so, to what amount?

27. Should the PUC require a contributing carrier to the Pa. USF to provide documentation when reporting a certain minimum threshold? Why or why not? What would be an appropriate threshold? What should the mechanism be?

28. What should be done to address the current practice whereby only currently-certificated carriers and certain eligible telecommunications carriers are required to report and pay Pa. USF assessments on intrastate VoIP revenues?

29. What would be an appropriate process to ensure that all intrastate VoIP providers are properly reporting and being assessed?

30. What mechanism, other than certification of VoIP providers, can the Commission use to implement the universal support provisions of the VoIP Freedom Bill and ensure compliance with the provisions of the Code and the VoIP Freedom Bill?

31. Should the PUC allow VoIP providers that do not hold a CPC to voluntarily contribute to the USF? Why or why not? If so, what should the mechanism be?

32. Should a company that has abandoned jurisdictional service but that continues to provide VoIP service be required to contribute to the USF? Why or why not? If so, how?

33. How should the Commission address the issues outlined in Chairman Dutrieuille's statement in the Application of Sprint Communications Company L.P. for approval of abandonment of services, Docket No. A-2021-3028993 (August 25, 2022) in this proceeding?

34. Does competition remain a valid focus when it comes to supporting networks and services given that over 95% of today's consumers are served by the "last mile" network owned by two industries, i.e., telephone and cable, with cable and fiber networks lacking an open access mandate for competitors under federal law and precedent?

Appendix B

§ 63.161. Statement of purpose and policy.

On July 8, 1993, the General Assembly enacted 66 Pa.C.S. Chapter 30 (relating to alternative form of regulation of telecommunications services) which provides for the regulatory reform of the telephone industry in this Commonwealth.

(1) The General Assembly's first declaration of policy in Chapter 30 is to "[m]aintain universal telecommunications services at affordable rates while encouraging the accelerated deployment of a universally available state-of-the-art, interactive, public switched broadband telecommunications network in rural, suburban and urban areas." See 66 Pa.C.S. § 3001(1) (relating to declaration of policy).

(2) The General Assembly assigned to the Commission and this Commonwealth's telecommunications providers responsibility for assuring and maintaining universal service in this Commonwealth. Given an increasingly competitive telecommunications marketplace, it is necessary to establish a competitively-neutral universal service funding mechanism to assure and maintain universal service and to promote the development of competition in telecommunications markets throughout this Commonwealth.

(3) The purpose of the Fund is to maintain the affordability of local service rates for end-user customers while allowing rural telephone companies to reduce access charges and intraLATA toll rates, on a revenue-neutral basis, thereby encouraging greater competition.

§ 63.162. Definitions.

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

Assessment rate—The percentage rate which when multiplied by each contributing telecommunications provider's total intraState end-user telecommunications retail revenue for the prior month will determine that provider's monthly contribution to the annual Fund budget. The assessment rate is computed annually under § 63.165 (relating to calculation of contributions).

Basic universal service—An evolving set of telephone services, as defined by the Commission, which represents the set of services essential for a resident of this Commonwealth to participate in modern society at any point in time.

Contributing telecommunications providers—Telecommunications carriers that provide intraState telecommunications services. Whether a provider or class of providers is a telecommunications carrier will be determined based upon whether the provider or class of providers is considered a telecommunications carrier under Federal law as interpreted by the Federal Communications Com-

mission except that wireless carriers are exempt from this subchapter under 66 Pa.C.S. § 102(2)(IV) (relating to definitions).

End-user revenue—Revenues received from telecommunications subscribers who consume the final service unadjusted for any expense or other purpose. Total intrastate end-user telecommunications retail revenue does not include those revenues received from access, resale (toll or local), or the sale of unbundled network elements or other services which are essentially wholesale in nature.

Fund—The Universal Service Fund.

Fund recipient—An entity which receives funds from the Fund. Incumbent local exchange carriers operating in this Commonwealth, with the exception of Verizon Pennsylvania and Verizon North, Inc. are eligible Fund recipients.

Local service provider—A telecommunications company to which retail customers subscribe for basic universal service.

§ 63.163. Universal service fund administration.

(a) The Commission will designate within the context of a competitive bidding process a third-party administrator and a fund auditor to maintain and audit the Fund consistent with this subchapter.

(b) The Fund shall be administered in a manner ensuring that the Fund is exempt from State, Federal, and local taxes. The Fund administrator shall seek tax exempt status from the Internal Revenue Service.

(c) The Fund shall be established and kept separate from any other Commonwealth general fund.

(d) The administrator shall be responsible for assessing contributing telecommunications providers for contributions to the Fund as provided for in § 63.165 (relating to calculation of contributions). The administrator shall also be responsible for receiving contributions, validating contributions and distributing payments to fund recipients.

(e) The administrator shall file with the Commission by September 1 of each year an annual report which shall include an income statement of the Fund's activity for the preceding calendar year, a list of recommendations pertaining to operations of the Fund, and a proposed budget and assessment rates for the upcoming year. A copy of the report will be served contemporaneously upon the Office of Consumer Advocate, Office of Small Business Advocate and all telecommunications carriers participating in the Fund.

(f) Interested parties shall be provided the opportunity to file comments to the administrator's report within 30 days of its submission to the Commission. Replies to comments shall be filed within 15 days thereafter. Comments should be addressed to the Pennsylvania Public Utility Commission's Secretary's Bureau, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265. The comments should be filed at Docket No. M-00001337.

§ 63.164. Commission oversight.

The Commission will issue an order within 90 days of receipt of the administrator's annual report, which establishes the size of the Fund, a budget, assessment rate for contributing telecommunications providers, and administrative guidelines for the upcoming calendar year.

§ 63.165. Calculation of contributions.

(a) Contributing telecommunications providers shall submit an affidavit to the administrator by March 31 of each year, identifying the provider's total intrastate end-

user telecommunications retail revenue for the previous calendar year. A copy shall be served upon the Commission.

(b) In determining the annual assessment rate, the administrator will utilize the following calculation:

$$\frac{W + X + Y + Z \times B}{A} = C$$

W = Increase in funding requirement due to growth in access lines of recipient carriers. W equals the access line growth percentage for each recipient carrier multiplied by each recipient carriers' prior year net support (prior year funding minus prior year payment). The individual recipient carriers' required fund increases are totaled to yield W. $W = ALG \times (PYF-PYP)$.

X = Prior year's size of fund minus the estimated surplus from the prior year or plus any shortfall from the prior year.

Y = Surcharge for uncollectables is 1% times (X + W).

Z = Commission approved administrative and auditing expenses.

A = Aggregate Statewide end-user intrastate retail revenue of all contributing telecommunications providers for the previous calendar year.

B = Individual contributing telecommunications provider's end-user intra-state retail revenue for the prior calendar year.

C = Individual contributing telecommunications provider's monthly contribution.

(c) To the extent the funding received from providers in any 1 year exceeds the disbursements required for the Fund plus the cost of administering the Fund (including 1% of the total size of the Fund to cover delinquent accounts and contingencies), the excess shall remain in the Fund, and the subsequent year's Fund size reduced by that surplus.

§ 63.166. Administrator criteria.

The administrator shall meet the following criteria:

(1) The administrator shall be neutral, impartial and independent from telecommunications service providers operating in this Commonwealth.

(2) The administrator may not advocate specific positions before the Commission in nonuniversal service administrative proceedings related to telecommunications issues.

(3) The administrator may not be an affiliate of any provider of telecommunications services. The administrator may not be closely associated with any provider of telecommunications services in a dependent or subordinate position.

(4) If the administrator has a board of directors that includes members with direct financial interests in entities that contribute to or receive support from the Fund, no more than a third of the board members may represent any one category (for example, local exchange carriers or interexchange carriers) of contributing carriers or support recipients, and the Board's composition shall reflect the broad base of contributors to and recipients of Fund assets. For purposes of this restriction, a direct financial interest exists when the administrator or Board member:

- (i) Is an employee of a telecommunications carrier.
 - (ii) Owns any equity interests in bonds or equity instruments issued by any telecommunications carrier.
 - (iii) Owns mutual funds that invest more than 50% of its assets in telecommunications securities.
- (5) If the administrator's board composition changes during its contractual period, the administrator shall notify the Commission immediately.

§ 63.167. Administrator's duties.

The administrator shall have the following duties:

- (1) Maintain a database to track contributing telecommunications providers.
- (2) Develop Commission-approved forms which all telecommunications service providers will submit to the administrator on a monthly basis with their monthly contributions.
- (3) Review the completed forms to ensure completeness and accuracy of reported revenue and Fund assessments and contact providers whose accounts contain unexplained variances in reported revenues or Fund assessments.
- (4) Assess late-payment charges of 1.5% per month pro rata per diem on contributions that are 30 days or more past due.
- (5) Send initial notices of delinquency to delinquent contributors when a payment is 30 days past due and follow up with at least one subsequent written notice, phone call, or both, to the contributor to pursue collection of Fund payments that are 60 days past due.
- (6) Maintain logs of notices to delinquent contributors and refer to the Commission for further enforcement, on a monthly basis, all accounts more than 90-days past due.
- (7) Immediately inform the Commission if the administrator has reason to believe that a contributing telecommunications provider has submitted false information to the administrator with the intent of obtaining fraudulent funding or underreported end-user revenue, or if any other irregularity occurs in the operation or administration of the Fund. Penalties that will be assessed to the contributing telecommunications provider are addressed in § 63.171 (relating to enforcement).
- (8) Invest Fund moneys in interest-bearing instruments designed to minimize risk of loss while providing maximum liquidity. Return on investment shall be placed into the Fund. Permitted investments include:
 - (i) Marketable obligations directly and fully guaranteed by the United States government.
 - (ii) Federally-insured checking, money market accounts or certificates of deposit.
 - (iii) Other accounts expressly approved by the Commission.
- (9) Promptly advise the Commission if the administrator projects any potential Fund shortfall or if Fund disbursements exceed receipts in a given month.
- (10) In January of each year, mail reporting forms to each contributing telecommunications provider to acquire appropriate data to determine the following:
 - (i) Each contributing telecommunications provider's intraState end-user telecommunications retail revenue for the prior calendar year.
 - (ii) The Fund recipients' access line growth which translates into a dollar amount increase in the size of the next year's Fund.
 - (iii) Aggregate Statewide end-user intraState retail revenue of all contributing telecommunications providers for the previous calendar year.
 - (iv) Each contributing telecommunications provider's contribution for the following calendar year.
- (11) Cooperate with the auditor selected by the Commission and provide data and information reasonably required to support audit activities.
- (12) Promptly respond to Commission requests for information pertaining to Fund administration.
- (13) Maintain adequate principal liability insurance coverage, criminal liability coverage, and a sufficient umbrella liability policy.
- (14) Prepare reports of Fund activity for the Commission on a monthly basis detailing carrier assessments, delinquent payers, late-payment charges, fund disbursements, interest earned and cumulative results.
- (15) Maintain records by contributor and by recipient.
- (16) Provide additional reports as requested by the Commission.
- (17) Maintain a statement of financial condition (balance sheet) and income statement for the total fund, and a sources and uses of funds statement, which will tie to the total Fund income statement.
- (18) Deliver the balance sheet, income statement, and sources and uses of funds statement to the Fund auditor by May 1 of each year so that the auditor may prepare its report.
- (19) Maintain a system of internal controls.
- (20) Consider the auditor's report in preparing the annual report for submission to the Commission and include any undercollections or overcollections identified by the audit report in developing a proposed budget for the upcoming fiscal year.
- (21) Submit the administrator's annual report by September 1 or 60 days following receipt of the audit report, whichever is later.
- (22) With prior Commission approval, borrow monies to cover the short-term liabilities of the Fund caused by undercollections.
- (23) At least 60 days before short-term borrowing is necessary, the administrator shall provide formal notice to the Commission which identifies the amount, the proposed lending source and the terms and conditions of the loan.
- (24) Comply with the contract and Commission orders. Any dispute between the administrator and any contributing telecommunications provider shall be submitted to the Commission for resolution.
- (25) Have access to the books of account of all telecommunications service providers to the limited extent necessary to verify their intraState end-user telecommunications retail revenues and other information used by the administrator in determining assessments and disbursements for the Fund.
- (26) Treat competitive and financial information received as confidential and proprietary and only release that information upon order of the Commission.

(27) Operate on a fiscal year which shall be the same as the calendar year.

§ 63.168. Auditor's duties.

(a) An independent external auditor chosen by the Commission will audit the Fund records covering both collections and disbursements for the fiscal year. The costs for conducting audits will be included in the computation of Fund requirements. Thereafter, an audit of the Fund collections and disbursements will be done annually.

(b) Following the audit, the Fund auditor will prepare and submit a report to the Commission and the administrator by July 1 of each year. The audit report should make recommendations regarding the finances of the Fund and should identify undercollections or overcollections experienced by the Fund in the previous year.

§ 63.169. Collection of universal service fund contributions.

(a) At the beginning of the calendar year, the administrator will provide monthly reporting forms to each contributing telecommunications provider. Each carrier will complete the form monthly using the calculation as described in § 63.165 (relating to calculation of contributions) and remit the form to the administrator along with its monthly contribution in full.

(b) Failure to make timely payment will result in the levy of a late payment charge of 1.5% per month pro rata per diem on the delinquent contribution.

(c) If a carrier's contribution to the Fund in a given year is less than \$120, that carrier will not be required to submit a contribution.

§ 63.170. End-user surcharge prohibited.

A telecommunications service provider may not implement a customer or end-user surcharge or any other direct or indirect charge to recover any contributions to the Fund.

§ 63.171. Enforcement.

A telecommunications service provider that fails to pay, in a timely manner, any contribution required under this subchapter may be prohibited from providing service in this Commonwealth and be subject to other penalty as authorized under law.

Statement of Vice Chairperson Stephen M. DeFrank

Today, the Commission takes long overdue action to issue an Advance Notice of Proposed Rulemaking (ANOPR) to review and amend our regulations governing the Pennsylvania Universal Service Fund (PA USF). The PA USF is a vital tool to ensure that those Pennsylvanians who want access to safe and reliable basic local exchange service at just and reasonable rates have such access.

As an initial matter, I would like to commend the Commission staff who drafted this rulemaking. It is a clear and concise summary of a decades-long history of a complicated and often controversial matter and asks the difficult but important questions.

I recognize that the matter we are voting on today raises some tough issues to which there are no easy answers. As noted in the ANOPR, there is a clear convergence of less total end-user intrastate revenues,

fewer access lines, and a diminishing contribution base that undergirds potential PA USF reform. At the same time, we must examine what is "basic universal service" in today's world.

Nonetheless, our job is to raise those difficult issues and seek reasonable answers to them. Anywhere in the state, a Pennsylvanian should be able to pick up a landline telephone and connect to the public switched telephone network to call a neighbor across the street, a loved one across the country, or access emergency services when there is a fire or they need medical attention—all at a high quality and at an affordable rate. This has always been the challenge of Chapter 30. . .to "maintain universal service at affordable rates while encouraging the accelerated provision of advanced services and deployment of a universally available, state-of-the-art, interactive broadband telecommunications network in rural, suburban and urban areas."⁷⁹

As a result, I am glad to see that we are moving forward on this matter and vote in favor of issuing the ANOPR. Again, I thank staff for their fine work which enable us to take this step today.

STEPHEN M. DeFRANK,
Vice Chairperson

Statement of Commissioner John F. Coleman, Jr.

Before the Pennsylvania Public Utility Commission (Commission) is an Advance Notice of Proposed Rulemaking (ANOPR) to amend our regulations governing the Pennsylvania Universal Service Fund (Pa. USF or fund).⁸⁰

In support of initiating this rulemaking, the ANOPR cites to the long-standing requests for Pa. USF reform from Pennsylvania stakeholders⁸¹ and to the sweeping changes with universal service that have occurred at the federal level.⁸² Upon review, this rulemaking is intended to address whether and what type of reform is needed with the current Pa. USF program. To that end, the ANOPR contains a list of questions in Appendix A probing possible fund reforms.

I have gone on record in other Commission proceedings as stating my belief that any review of the Pa. USF should be comprehensive. In other words, I believe that a full range of Pa. USF reforms should be on the table at this stage of the process. While I commend staff on the quality of the work product presented today, I have a few additional areas of inquiry for the ANOPR.

Appendix A includes a question about whether the Commission should amend the definition of "basic universal service" in our Pa. USF regulations to reach beyond telephone service. Appendix A also includes a question about whether the definition of "contributing telecommunications providers" in our Pa. USF regulations should be amended to include wireless providers. In addition to addressing these "should" issues, I believe we also need to address whether the Commission can amend the definitions in the manner contemplated by these questions. Therefore, I request that commentors address whether the Commission has the authority to (a) amend the

⁷⁹ 66 Pa.C.S. § 3011(2).

⁸⁰ The current Pa USF was born out of a compromise over how Pennsylvania could best balance intrastate access charge reform and local rates. The current Pa USF was established to reduce intrastate access charges, on a revenue-neutral basis and to foster competition, while also maintaining universal telecommunications services at affordable rates.

⁸¹ Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. 1-00040105. *AT&T v. Armstrong Telephone Company, et al.*, Docket No. C-2009-2098380 et al.

⁸² Implementation of the Federal Communications Commission's Order of November 18, 2011, as Amended or Revised and Coordination with Certain Intrastate Matters, Docket No. M-2012-2291824 at 66-67 (August 9, 2012).

definition of “basic universal service” to reach beyond telephone service and (b) amend the definition of “contributing telecommunications providers” to include wireless providers.

According to the ANOPR, expanding the Pa. USF beyond basic telephone service would align with federally applicable principles regarding supported services. To the extent the ANOPR asks whether the Commission should model its approach after federal universal service and require a fund recipient to (a) construct a network that supports Internet service at federal speeds and (b) offer Internet services to all consumers in a designated area, I request that commentors address whether the Commission has the authority to establish such requirements.

In addition, Appendix A includes a question about whether the Pa. USF contribution mechanism should follow a telephone numbers-based contribution system if such an approach is adopted for the federal USF. To the extent this approach implicates wireless services, I request that commentors address whether the Commission has the authority to establish a numbers-based contribution system for the Pa. USF.

Further, Appendix A does not address whether the Pa. USF currently is necessary or proper and should continue. I believe this issue is a threshold issue that should be addressed. Therefore, I request that commentors respond to the following questions:

- 1) Does the Commission have the authority to eliminate the Pa. USF?
- 2) What are the benefits and drawbacks of eliminating the Pa. USF?
- 3) If eliminated, should it occur through a hard-stop termination at the end of a fund year or gradually through a phase-out?
- 4) If through a phase-out,
 - a. Over what period should a phase-out occur?
 - b. How should a phase-out be structured in terms of reducing contribution and support amounts to the point of elimination of the fund?

Let me be clear: I am not advocating for any specific outcome with Pa. USF reform at this time. So, my additional questions addressing the elimination of the fund should not be construed as my advocating to eliminate it. Rather, the questions are intended to ensure that the Commission conducts a comprehensive review of the Pa. USF and receives input on the full range of Pa. USF reform options available to us.

In addition, I request that commentors identify any interest they have in the fund. For example, does the commentor have an interest as a net contributor/recipient? Or, as another example, is the commentor an end-user telecommunications representative?

Finally, I echo the statement in the ANOPR welcoming all useful comments regarding the Pa. USF and regulatory reform. I also encourage commentors to raise any matters or issues that may have been overlooked in the ANOPR.

JOHN F. COLEMAN, Jr.,
Commissioner

Fiscal Note: 57-344. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1544. Filed for public inspection November 10, 2023, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings; General Provisions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 16, 2023, meeting to amend § 135.2 (relating to unlawful actions) to prohibit a person from using or possessing a controlled substance or drug paraphernalia on Hunter Access Program (HAP) properties.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the September 16, 2023, meeting of the Commission. Comments can be sent until January 24, 2024, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

State Game Wardens (SGW) and Deputy State Game Wardens (DSGW) are encountering an increasing number of individuals who are in possession of controlled substances and/or drug paraphernalia on State game lands and HAP properties. The Commission is proposing to amend § 135.2 to prohibit a person from using or possessing a controlled substance and/or drug paraphernalia on HAP properties. The text of sections 721(b) and 925(b)(9) of the code (relating to control of property; and jurisdiction and penalties) would set the grading for the proposed regulatory usage violation as a summary offense of the fifth degree carrying a potential fine penalty of \$100—\$200.

State game lands are comprised of approximately 1.5 million acres of lands and waters located within this Commonwealth that are owned by the Commission and predominantly used to create and maintain game and wildlife habitat and areas for the public to access hunting and furtaking opportunities. Conversely, HAP properties are comprised of approximately 1.7 million acres of lands and waters located within this Commonwealth that are privately owned, but where certain hunting and trapping rights have been conveyed to the Commission pursuant to written agreement under sections 709 and 729 of the code (relating to cooperative agreements relating to land; and public access projects).

The Commission controls authorized usage of State game lands and HAP properties under the authority of section 721(a) of the code. Section 721(a) states “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters.” The Commission has further promulgated regulations for State game lands only under § 135.41 (relating to State game lands). The Commission has also further promulgated regulations for both State game lands and HAP properties under § 135.2.

Section 135.41(c)(10) currently states it is unlawful to “[u]se or possess any controlled substance or drug paraphernalia” as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S.

§§ 780-101—780-143).” However, as previously identified, this usage violation only applies to lands and waters designated as State game lands. Furthermore, there is no similar provision located within § 135.2 that is applicable to HAP properties. The absence of a similar provision creates two limitations for the Commission.

The first limitation concerns the absence of a charging alternative to minor controlled substance or drug paraphernalia violations under The Controlled Substance, Drug, Device and Cosmetic Act that occur on HAP properties. For example, a SGW who identifies a person to be in possession of a controlled substance or drug paraphernalia on State game lands currently has the discretion to charge the more serious misdemeanor graded offense under The Controlled Substance, Drug, Device and Cosmetic Act or, in the alternative, the less serious summary graded usage offense under § 135.41(c)(10). A SGW or prosecuting attorney similarly has this lesser charging alternative available for plea discussion in pending Controlled Substance, Drug, Device and Cosmetic Act cases that occurred on State game lands. The Commission has determined that a similarly structured progressive grading alternative structure would be a valuable tool in disposing of the multitude of different controlled substance and drug paraphernalia violations occurring on HAP properties.

The second limitation concerns the comparatively lesser authority of a DSGW as compared to an SGW. An SGW who identifies a person to be in possession of a controlled substance or drug paraphernalia on HAP property currently has the authority to directly enforce The Controlled Substance, Drug, Device and Cosmetic Act under the authority of section 901(a)(17) of the code (relating to powers and duties of enforcement officers). Section 901(a)(17) states “[a]ny officer whose duty it is to enforce this title or any officer investigating any alleged violation of this title shall have the power and duty to . . . apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony.” (Emphasis added.) Offenses under The Controlled Substance, Drug, Device and Cosmetic Act are graded as either misdemeanors or felonies, therefore an SGW’s authority includes enforcement of this act. However, under the text of section 902(a) of the code (relating to deputy Game Commission officers) that explicitly bars the extension of section 901(a)(17) to DSGWs, these officers are consequently not authorized to enforce The Controlled Substance, Drug, Device and Cosmetic Act directly.

Without an applicable regulation like § 135.41(c)(10) to address controlled substances and drug paraphernalia violations on HAP properties, DSGWs must request assistance from an SGW, a local police department or State Police to address the violation outside of their direct authority. When these options are not available in a timely fashion, these violations will often go unaddressed. The addition of the proposed text to § 135.2 would create a usage violation for persons found in possession of a controlled substance or drug paraphernalia that will be directly enforceable by both SGWs and DSGWs. This will consequently improve the efficiency of the enforcement operations of the Commission by reducing the necessity of alternate personnel to be called upon to attend to minor controlled substance and drug paraphernalia offenses occurring on HAP properties.

Section 721(a) of the code provides “[t]he administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole

control of the Director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.2 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 135.2 to prohibit any person from using or possessing a controlled substance and/or drug paraphernalia on HAP properties.

3. Persons Affected

Persons concerned with the possession of controlled substances or drug paraphernalia on HAP properties within this Commonwealth will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information about this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-503. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§ 135.2. Unlawful actions.

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

(1) Camp or use campsites.

(2) Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.

(3) Travel on lands by means of vehicle or conveyance propelled by motorized power. This provision is not intended to restrict travel by certain devices used for persons with mobility disabilities as specifically authorized under Subchapter C (relating to State game lands).

(4) Swim in a dam, pond, lake or stream.

(5) Injure, destroy or cause damage to property—real, personal or mixed.

(6) Remove or attempt to remove any manmade or natural object except wildlife and fish lawfully taken. Objects which may not be removed include animals, rocks, minerals, sand and historical or archaeological artifacts.

(7) Participate in, become a part of, contribute to or engage in disorderly conduct as defined in 18 Pa.C.S. §§ 5503 and 5505 (relating to disorderly conduct; and public drunkenness).

(8) Kindle, use or maintain an open fire.

(9) Travel on roads open to vehicular travel with vehicle or conveyance propelled by motorized power which is not licensed or authorized for operation on a public highway under 75 Pa.C.S. (relating to the Vehicle Code).

(10) Violate, fail or neglect to follow instructions posted on signs authorized by the Director.

(11) Travel by mechanical or motorized conveyance or ride animals on newly constructed, seeded or planted roads, or other areas, when posted against the travel.

(12) Possess, maintain, operate, occupy or travel by snowmobile or ATV in a manner not in accordance with the standards in 75 Pa.C.S. Chapter 77 (relating to Snowmobile and All-Terrain Vehicle Law).

(13) Construct, place, maintain, occupy, use, leave or abandon structures or other tangible property, except in the manner otherwise authorized and limited by § 135.41(c)(11) (relating to State game lands).

(14) Use or possess a controlled substance and/or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

[Pa.B. Doc. No. 23-1545. Filed for public inspection November 10, 2023, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending October 31, 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-bnbkbsmssnspt@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

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
10-30-2023	Peoples Financial Services Corp. Scranton Lackawanna County Application for approval to acquire 100% of FNCB Bancorp, Inc., Dunmore, and thereby indirectly acquire 100% of FNCB Bank, Dunmore.	Accepted

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
10-30-2023	Peoples Security Bank and Trust Company Scranton Lackawanna County Application for approval to merge FNCB Bank, Dunmore, with and into Peoples Security Bank and Trust Company, Scranton.	Accepted

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
10-30-2023	Saint Elizabeth Credit Union Northampton Northampton County Application for approval to merge Saint Elizabeth Credit Union, Northampton, with and into First Commonwealth Federal Credit Union, Allentown.	Accepted

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
10-16-2023	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	62 North Franklin Street Wilkes-Barre Luzerne County	Opened

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,
Secretary

[Pa.B. Doc. No. 23-1546. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Dynamic Bits, LLC v. Commonwealth of Pennsylvania, Department of Community and Economic Development; Doc. No. DCED-2023-0002

On September 11, 2023, following a prehearing conference, Travis S. Anderson, Hearing Officer, ordered that an evidentiary hearing will be held on December 5, 2023, at 9:30 a.m. for benefits under the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (73 P.S. §§ 820.101—820.1310).

Notice

A hearing will be conducted before Department of State Hearing Officer Travis S. Anderson, at 9:30 a.m. on December 5, 2023, by means of Microsoft Teams at <https://bit.ly/3PzTznp> or by phone at (267) 332-8737. The conference ID is 554064129#. For additional information, contact the Department of State's prothonotary at (717) 772-2686. The hearing will be conducted in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

RICK SIGER,
Secretary

[Pa.B. Doc. No. 23-1547. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5020801	Joint DEP/PFBC Pesticides Permit	Amendment	Marley Melinda 1156 Dietz Road P.O. Box 67 Ellitsburg, PA 17024	Saville Township Perry County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0908201	Land Application and Reuse of Industrial Waste Individual WQM Permit	Renewal	Bucks County Public Works Department 1265 Almshouse Road Doylestown, PA 18901-2835	Nockamixon Township Bucks County	SERO
PA0081361	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Transfer	The York Water Co. 130 E Market Street York, PA 17401-1219	Monaghan Township York County	SCRO
NOEXSE362	No Exposure Certification	New	Hiossen Inc. 85 Ben Fairless Drive Fairless Hills, PA 19030-5012	Falls Township Bucks County	SERO
PAG032393	PAG-03 NPDES General Permit for Industrial Stormwater	New	One Ind Holdings LLC 9 Little Flower Avenue Nesquehoning, PA 18240-1016	Nesquehoning Borough Carbon County	NERO
PAG033619	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Graybill Farms LLC dba Amplisource 389 Heisey Quarry Road Elizabethtown, PA 17022-9760	West Donegal Township Lancaster County	SCRO
PAG034043	PAG-03 NPDES General Permit for Industrial Stormwater	New	Wolf Pak Transportation LLC 22 Blackhawk Lane Elizabethtown, PA 17022-8704	West Donegal Township Lancaster County	SCRO
PAG036214	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Johnstown Cambria County Airport Authority 479 Airport Road Suite 1 Johnstown, PA 15904	Richland Township Cambria County	SWRO
PAG133646	PAG-13 NPDES General Permit for MS4s	Renewal	Rye Township Perry County 1775 New Valley Road Marysville, PA 17053-9419	Rye Township Perry County	SCRO
PAG153501	PAG-15 NPDES General Permit for Pesticides	Renewal	Lake Meade Properties Owners Assoc Inc. 4 Forrest Drive East Berlin, PA 17316-9358	Latimore Township Adams County	SCRO
PAG153503	PAG-15 NPDES General Permit for Pesticides	Renewal	Reading Area Water Authority Berks County 1801 Kutztown Road Reading, PA 19604-1515	Ontelaunee Township Berks County	SCRO
PAG153504	PAG-15 NPDES General Permit for Pesticides	Renewal	US Army Corp of Engineering 6145 Seven Points Road Hesston, PA 16647-8303	Penn Township Huntingdon County	SCRO
PAG156101	PAG-15 NPDES General Permit for Pesticides	Renewal	Indian Lake Borough Somerset County 1301 Causeway Drive Central City, PA 15926-7621	Indian Lake Borough Somerset County	SWRO
6796411	Pump Stations Individual WQM Permit	Transfer	The York Water Co. 130 E Market Street York, PA 17401-1219	Monaghan Township York County	SCRO
1114403	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
1176403	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO

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>
1180401	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
3597	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
5423401	Sewer Extensions Individual WQM Permit	New	Blythe Recycling and Demolition Site Holdings, Inc. 1786 Salcman Road Waterloo, NY 13165	Blythe Township Schuylkill County	NERO
5446	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
5483	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
5596	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
561S52	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
564S4	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
566S030	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
6130	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
6446	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
6936	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
7339	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
9018-S	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO
9783-S	Sewer Extensions Individual WQM Permit	Transfer	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15901-2630	Westmont Borough Cambria County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
WQG010074	Single Residence Sewage Treatment Plant Individual WQM Permit	Amendment	The Grist at Mather Mill Ltd 7032 Lafayette Avenue Fort Washington, PA 19034	Whitemarsh Township Montgomery County	SERO

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

Northeast Regional Office

PAI132220, MS4, **Plainfield Township, Northampton County**, 6292 Sullivan Trail, Nazareth, PA 18064-9335.

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 Plainfield Township, **Northampton County**. The receiving streams, Unnamed Tributary of Little Bushkill Creek (HQ-CWF, MF), Little Bushkill Creek (HQ-CWF, MF), and Unnamed Tributary to Little Bushkill Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-F and is classified for High Quality—Cold Water and Migratory Fish, 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 570-826-5472.

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

Northeast Regional Office

PAI132225, MS4, **Northampton County**, 669 Washington Street, Easton, PA 18042-7408.

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 **Northampton County**. The receiving streams, Catasauqua Creek (CWF, MF), Unnamed Tributary of East Branch Monocacy Creek (HQ-CWF, MF), Lehigh Coal and Navigation Canal, and Unnamed Tributary to Delaware River (CWF, MF), is located in State Water Plan watershed 1-F and 2-C and is classified for High Quality—Cold Water, Migratory Fish, Cold Water Fishes, and Migratory 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 570-826-5472.

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

Northwest Regional Office

PA0091260, Sewage, SIC Code 6515, **P&B Estates, LLC**, 5268 Admiral Peary Highway, Ebensburg, PA 15931-4501. Facility Name: Country Meadows MHP STP. This existing facility is located in Pine Township, **Indiana County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX
			4.0		XXX	
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.5	XXX	1.2
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
May 1 - Sep 30				200		
				Geo Mean		

<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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	12.0	XXX	24.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.0	XXX	8.0
May 1 - Oct 31	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Daily Max	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.21	XXX	0.69
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	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	12.0	XXX	24.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.0	XXX	8.0
May 1 - Oct 31	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Daily Max	XXX

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

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

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0104213, Sewage, SIC Code 4952, **Pleasantview Conservative Mennonite Church**, 3488 County Line Road, Cochranon, PA 16314. Facility Name: Pleasantview Mennonite Hall. This existing facility is located in French Creek Township, **Mercer County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .0072 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
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 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0104272, Sewage, SIC Code 4493, **PA Fish & Boat Commission**, 595 East Rolling Ridge Drive, Bellefonte, PA 16823. Facility Name: North East Access & Marina. This existing facility is located in North East Township, **Erie County**.

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

The receiving stream, an Unnamed Tributary to Lake Erie (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 0.005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	
pH (S.U.)	XXX	XXX Daily Max	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.36	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	9.0	XXX	18
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	XXX	XXX	XXX	3.0 Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	1.0 Daily Max	XXX	2
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0217166, Sewage, SIC Code 4952, **Kenneth Grey**, 13259 US Route 422, Kittanning, PA 16201-4035. Facility Name: Grey Personal Care STP. This existing facility is located in Kittanning Township, **Armstrong County**.

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

The receiving stream(s), Unnamed Tributary to Cowanshannock Creek (WWF), is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0014 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.0014	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min 0.3	XXX	XXX	0.5
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Avg Mo 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 Geo Mean	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

PA0252581, Sewage, SIC Code 4952, **Mahoning Township**, 987 State Route 1025, New Bethlehem, PA 16242-7033. Facility Name: Distant STP. This existing facility is located in Mahoning 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, an Unnamed Tributary to the Redbank Creek (CWF), is located in State Water Plan watershed 17-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 0.09 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 6.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.08	XXX	0.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	18.8	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	22.5	XXX	XXX	30.0	XXX	60.0
Biological Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
E. Coli (No./100 ml)	XXX	XXX	XXX	3.0	XXX	6.0
Ammonia-Nitrogen	2.3	XXX	XXX	XXX	XXX	3.0
Nov 1 - Apr 30	1.1	XXX	XXX	1.5	XXX	3.0
May 1 - Oct 31	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 6.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.01	XXX	0.04
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	18.8	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	22.5	XXX	XXX	30.0	XXX	60.0
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	2.3	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30						
May 1 - Oct 31	1.1	XXX	XXX	1.5	XXX	3.0
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report	XXX
					Daily Max	

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

- Solids Management
- Requirements for Total Residual Chlorine (TRC)
- TRC Effluent Limitations Below Quantitation Limits

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

Southcentral Regional Office

Application No. PA0261955, Concentrated Animal Feeding Operation (CAFO), **S & A Kreider & Sons Inc. (S & A Kreider & Sons Farm CAFO)**, 761 Spring Valley Road, Quarryville, PA 17566-9773.

S & A Kreider & Sons Inc. has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as S & A Kreider & Sons Farm CAFO, located in East Drumore Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to Conowingo Creek (HQ-CWF, MF) and Jackson Run (HQ-CWF, MF) in Watershed 7-K, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 5,195.70 animal equivalent units (AEUs) consisting of 2,554 Holstein Cows, 1,190 Holstein Heifers, and 720 Holstein Calf. Liquid dairy manure is stored in two lagoons and five circular storages spaced across 1 main operation location and two satellite locations. The operation also utilizes a methane digester. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

Southcentral Regional Office

PA0266001, Storm Water, SIC Code 5169, **Brenntag Northeast LLC**, 5083 Pottsville Pike, Reading, PA 19605-9724. Facility Name: Brenntag Northeast Huller Ln Plant. This existing facility is located in Ontelaunee Township, **Berks 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), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-C and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 011 and Outfall 015:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	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 F from the PAG-03 (effective 3/24/2023)
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (including Benchmarks for pH, COD, TSS, and Nitrate-Nitrite as N)
- 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.

Southcentral Regional Office

PAS803505, Storm Water, SIC Code 5399, 5411, 7538, **HPT-PSC Properties Trust**, 24601 Center Ridge Road, West Lake, OH 44145. Facility Name: Petro Stopping Center Carlisle. This existing facility is located in Middlesex 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 activities.

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

The proposed effluent limits for Outfall 001:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	75.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Benzene	XXX	XXX	XXX	0.001	XXX	0.0025
BTEX, Total	XXX	XXX	XXX	0.1	XXX	0.25

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 J from the PAG-03 (Effective 3/24/2023) and Site-Specific BMPs
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements
- 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.

Southeast Regional Office

PA0054526, Industrial, SIC Code 7218, **Unitech Service Group, Inc.**, 401 North 3rd Avenue, Royersford, PA 19468-1950. Facility Name: Unitech Service Group. This existing facility is located in Royersford Borough, **Montgomery 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), Schuylkill River (WWF, MF) and Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Toxicity, Acute - Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Toxicity, Acute - Pimephales Survival (TUa)	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		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 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	Report	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Industrial Influent	Report	Report	XXX	Report	Report	XXX
CBOD ₅ Minimum % Removal (%)	85 Min Mo Avg	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	13.8	24.8	XXX	25	45	50
Total Dissolved Solids	834	1,668	XXX	1,000.0	2,000.0	2,500
Copper, Total	0.77 Avg Qrtly	1.1	XXX	0.92 Avg Qrtly	1.32	2.31
Oil and Grease	12.5	XXX	XXX	15.0	XXX	30
Ammonia-Nitrogen	8.3	XXX	XXX	10.0	XXX	20
Total Phosphorus	1.7	XXX	XXX	2.0	XXX	4

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	Daily Maximum	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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	Daily Maximum	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

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

- Optimization of chlorine dosage
- No discharge of PCB compounds
- Compliance with Radioactive Material License

- 85% CBOD₅ reduction
- Data collection
- WET without limits
- Chemical additives
- Industrial stormwater requirements
- Schuylkill River PCB PMP

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0245399, Sewage, SIC Code 4952, **Municipal Authority of Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067. Facility Name: Morrisville KTC WWTP. This proposed facility is located in Falls Township, **Bucks County**.

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

The receiving stream(s), Delaware River (WWF, MF), is located in State Water Plan watershed 2-E 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 003 are based on a design flow of 3.913 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Total Copper	0.73	0.9	XXX	0.022	0.028	0.028
Total Zinc	5.97	7.38	XXX	0.18	0.23	0.23
Total Aluminum	Report	Report	XXX	Report	Report	XXX
Total Lead	Report	Report	XXX	Report	Report	XXX
Chloroform	Report	Report	XXX	Report	Report	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall MP 103 are based on a design flow of 3.75 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall MP 103 are based on a design flow of 3.75 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	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	0.31	XXX	0.5
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	XXX	XXX	XXX	100
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	7.5	Report	15
Biochemical Oxygen Demand (BOD ₅) Intake	Report	Report	XXX	Report	Report	XXX
BOD ₅ Percent Removal	88.5	XXX	XXX	XXX	XXX	XXX
	Min Mo Avg					
Total Suspended Solids	486	1116	XXX	30.0	Report	38.5
Ammonia-Nitrogen	Report	XXX	XXX	20	XXX	40
	Av. Qrtly			Av. Qrtly		
Total Dissolved Solids	XXX	XXX	XXX	1,100	2,200	2,750
Oil and Grease	247	463	XXX	Report	Report	19.7
Aluminum, Total	Report	Report	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Copper, Total	Report	Report	XXX	Report	Report	XXX
Chromium, Total	4.06	5.49	XXX	Report	Report	0.32
Zinc, Total	18.23	21.17	XXX	Report	Report	1.45
Lead, Total	Av. Qrtly	Report	XXX	Av. Qrtly	Report	XXX
	Report			Report		
Chloroform	Av. Qrtly	Report	XXX	Av. Qrtly	Report	XXX
	Report			Report		

The proposed effluent limits for Outfall MP 203 are based on a design flow of 0.163 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Average</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	Av. Qrtly	XXX	XXX	Av. Qrtly	Report	XXX
	Report			Report		
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
Aluminum Total	XXX	XXX	XXX	Report	Report	XXX
Chloroform	Av. Qrtly	XXX	XXX	Av. Qrtly	Report	XXX
	Report			Report		

The proposed effluent limits for Outfall MP 203 are based on a design flow of 0.163 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Average</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall MP 203 are based on a design flow of 0.163 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Average</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Weekly</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	XXX	Report
Biochemical Oxygen Demand (BOD ₅)	34	XXX	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	Av. Wkly Report	XXX
Raw Sewage Influent BOD ₅ Minimum % Removal	88.5	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	Report	XXX
Total Suspended Solids	41	XXX	XXX	30	45	60
					Av. Wkly	
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	27	XXX	XXX	20.0	XXX	40
E. Coli	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall MP 403 are based on a design flow of 0.856 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Chromium, Hexavalent	0.107	0.320	XXX	Report	Report	0.037

<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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chromium, Total	0.71	2.14	XXX	0.1	0.3	0.3
Copper, Total	0.71	2.14	XXX	0.1	0.3	0.3
Lead, Total	1.39	4.17	XXX	Report	Report	0.49
Nickel, Total	1.43	3.21	XXX	0.2	0.45	0.5
Zinc, Total	1.46	4.37	XXX	Report	Report	0.51
Naphthalene	XXX	0.080	XXX	XXX	Report	0.013
Tetrachloroethylene	XXX	0.120	XXX	XXX	Report	0.02

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

- Notification of the designation of responsible operator
- Permittee shall optimize chlorine dosages used for disinfection at STP to minimize TRC in effluent
- Permittee shall develop Operations and Maintenance (O & M) Plan
- Thermal impact of the discharge upon Zone 2 of Delaware River
- Whole Effluent Toxicity (WET) requirements
- PCB Minimization Plan and Monitoring requirements
- Cooling Water Intake Structure requirements
- Pretreatment Program Implementation requirements
- Chemical Additives requirements
- Seasonal Fecal Coliform requirements
- MP403 requirements.

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

The EPA Waiver is not in effect.

Southwest Regional Office

PA0023141, Sewage, SIC Code 4952, **Hastings Area Sewer Authority**, 207-1 5th Avenue, Hastings, PA 16646-0559. Facility Name: Hastings Municipal Authority. This existing facility is located in Hastings Borough, **Cambria County**.

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

The receiving stream(s), Brubaker Run (CWF), is located in State Water Plan watershed 8-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .6 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .6 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum Daily Max</i>	
Copper, Total	0.068	102 Daily Max	XXX	0.014	20.3 Daily Max	20.3

The proposed effluent limits for Outfall 001 are based on a design flow of .6 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Weekly Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Weekly Average</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Nov 1 - Apr 30	115.1	172.6	23.0	34.5	XXX	46
May 1 - Oct 31	85.1	127.6	17.0	25.5	XXX	34
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	Report	XXX	XXX	XXX
Total Suspended Solids	150.12	225.18	30.0	45.0	XXX	60
Total Suspended Solids Raw Sewage Influent	Report	Report	Report	XXX	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	20.01	XXX	4.0	XXX	XXX	8
May 1 - Oct 31	10.0	XXX	2.0	XXX	XXX	4
Lead, Total	0.025	0.035	0.005	XXX	0.007	0.012
Zinc, Total	Report	Report	Report	XXX	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	1,461	XXX	XXX	XXX	XXX
Effluent Net						
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	10,959	XXX	XXX	XXX	XXX
Effluent Net						

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

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

Following major conditions have also been added to the permit:

- A compliance schedule for total copper as stated in part C.II
- Conduct a Toxics Reduction Evaluation as stated in part C.II.C
- Conduct a Corrosion Control Feasibility Study as stated in part C.III

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

The EPA Waiver is not in effect.

Southwest Regional Office

PA0285153, Sewage, SIC Code 8800, **Joseph Portera**, 600 Hayden Boulevard, Elizabeth, PA 15037-1600. Facility Name: Portera Properties SRSTP. This proposed facility is located in Indian Lake Borough, **Somerset 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 Rhoads Creek (CWF), is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 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	200.0	XXX	XXX

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

- None.

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: **Keystone Sports and Entertainment LLC**

Applicant Address: 2501 Seaport Drive, Suite BH 100, Chester, PA 19013

Application Number: **PAD230070 A-1**

Application Type: Major Amendment

Municipality/County: City of Chester, **Delaware County**

Project Site Name: Philadelphia Union WSFS Bank Sportsplex

Total Earth Disturbance Area (acres): 19.28 acres

Surface Waters Receiving Stormwater Discharges: Delaware River (WWF)

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

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

Project Description: Original Permit: This project is the construction of the 7 outdoor multi sport fields, installation of MRC stormwater control facilities under the turf, reconfiguration of Jeffery Street, lighting, security fencing, and removal of some of the existing parking lot. Major Amendment: This project is the removal of the remainder of the parking lot and the construction of the proposed buildings and parking lot.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **City of Philadelphia Department of Aviation (DOA)**

Applicant Address: Planning and Environmental Stewardship, PHL Terminal D, Third Floor, Philadelphia, PA 19153

Application Number: **PAD510010 A-8**

Application Type: Major Amendment

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: PNE Miscellaneous Electrical Work

Total Earth Disturbance Area (acres): 11.62 acres

Surface Waters Receiving Stormwater Discharges: Pennypack Creek (WWF, MF)

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

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

Project Description: This project consists of the rehabilitation of an existing paved Taxiway. (See attached Project Status Summary Table and PNE NPDES Permit Master Plan). Misc. Electrical Amendment (This Submission): Trenching for the installation of proposed electrical utility lines and demolition/installation of electrical structures. This work will entail no changes in land cover from pre- to post-developed conditions.

Special Conditions: N/A

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

Northwest Regional Office

Applicant: **FIDC 114 LLC**

Applicant Address: 100 Debartolo Place, Suite 400, Boardman, OH 44512

Application Number: **PAD250022**

Application Type: New

Municipality/County: Union City Borough, **Erie County**

Project Site Name: Family Dollar Union City

Total Earth Disturbance Area (acres): 1.94 acres

Surface Waters Receiving Stormwater Discharges: South Branch French Creek 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: To construct a Family Dollar retail store.

Special Conditions: 1. Due to known groundwater contamination on site, the permittee shall ensure that water pumped from excavations on site is properly treated before being discharged or otherwise disposed of at an appropriate treatment facility. 2. Due to the presence of contaminated soil and groundwater on site, the permittee shall ensure that a health and safety plan and a water management plan are implemented during construction.

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

Northwest Regional Office

Applicant: **PADOT Engineering District 10-0**

Applicant Address: 2550 Oakland Avenue, Indiana, PA 15701

Application Number: **PAD100022**

Application Type: New

Municipality/County: Buffalo Township and Clinton Township, **Butler County**

Project Site Name: Ekastown West 3R

Total Earth Disturbance Area (acres): 7.27 acres

Surface Waters Receiving Stormwater Discharges: Lardintown Run TSF, Sarver Run HQ TSF

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 a 3R (resurfacing, restoration and rehabilitation) improvement project along approximately 3.5-mi of SR 0228 (Ekastown Rd) from Saxonburg Blvd. to Sarver Rd in Buffalo and Clinton Townships, Butler County, resulting in 7.27-ac of new earth disturbance, 12.42-ac of road maintenance activities and a total project area of 33.57-ac.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 814-332-6078.

Southcentral Regional Office

Applicant: **Smith Farms Partners, LLC**

Applicant Address: 1730 Edgewood Hill Circle, Ste. 101, Hagerstown, MD 21740

Application Number: **PAD210073A-3**

Application Type: Major Amendment

Municipality/County: South Middleton Township, **Cumberland County**

Project Site Name: Master Subdivision for Smith Farm Partners, LLC

Total Earth Disturbance Area (acres): 32.94 acres

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

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

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

Project Description: Develop a Life Care Community facility with two stormwater management infiltration basins.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

Southcentral Regional Office

Applicant: **Mr. Brent Weaver**

Applicant Address: 1828 Kenbrook Road, Lebanon, PA 17046

Application Number: **PAD500019A-1**

Application Type: Major Amendment

Municipality/County: Saville Township, **Perry County**

Project Site Name: Proposed Poultry Barns and Dwelling

Total Earth Disturbance Area (acres): 9.21 acres (additional 0.55 acre for amendment)

Surface Waters Receiving Stormwater Discharges: UNT to Buffalo Creek (HQ-CWF, MF) and UNT to Buffalo 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: Construction of poultry barns and appurtenances. Amendment is for the addition of cabin and associated driveway to poultry barn operation resulting in an increase of 0.55 acre to earth disturbance. Includes additional PCSM BMPs (infiltration trenches) to account for increase in impervious area.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

Southcentral Regional Office

Applicant: **Lake In Wood Limited Partnership**

Applicant Address: 27777 Franklin Road, Southfield, MI 48034

Application Number: **PAD360093**

Application Type: New

Municipality/County: Brecknock Township, **Lancaster County**

Project Site Name: Lake In the Woods Campground

Total Earth Disturbance Area (acres): 18.11 acres

Surface Waters Receiving Stormwater Discharges: UNTs to Black Creek (HQ-WWF, MF) 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: Construct 98 RV sites and access roads to expand an existing RV campground

Special Conditions: Wetland Monitoring Required.

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4802.

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).

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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>
Hyasota Hill Farm 264 Hyasota Hill Road Hollsopple, PA 15935	Somerset County	2.8	747.5	Swine	NA	Renewal
John Nolt—Hickory Hill Turkey Farm 10190 Mountain Road Port Royal, PA 17082	Juniata County	9.8	491.16	Turkeys	NA	Renewal
Harold Merkey 1904 Sunnyside Drive Manheim, PA 17545	Lancaster County	50	453.4	Swine Cows Horses Poultry (Layers)	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 copy-

ing information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, CA2, 570-830-3048.

Application No. 4023515, Construction, Public Water Supply.

Applicant	Hazleton City Authority
Address	400 East Arthur Gardner Parkway Hazleton, PA 18201
Municipality	City of Hazleton
County	Luzerne County
Responsible Official	Mr. Scot Burkhardt Hazleton City Authority 400 East Arthur Gardner Parkway Hazleton, PA 18201
Consulting Engineer	Mr. Michael Peleschak, PE Alfred Benesch & Co. 400 One Norwegian Plaza Pottsville, PA 17901
Application Received	October 10, 2023
Description	The proposed project includes upgrades to both the Dreck Creek Pump Station and transmission lines. The pump station upgrades include removal and replacement of three existing pumps with four new pumps, along with addition of a magnetic flow meter. The upgrades to the transmission lines include slip lining of an old 20" cast iron water main with a 16" PVC slip lined pipe for a portion of the line, along with construction of a new 20" Class 52 Ductile Iron Pipe for the remainder of the line.

Contact: Lorrie Fritz, Clerical Assistant 2, 570-830-3048.

Application No. 5223505, Construction, Public Water Supply.

Applicant	Matamoras Water Authority
Address	304 Penn Ave. Matamoras, PA 18336
Municipality	Matamoras Borough
County	Pike County
Responsible Official	Norman Dexter 304 Penn Ave. Matamoras, PA 18336

Consulting Engineer	Matthew Sickler, P.E. MHE Engineering 111 Wheatfield Drive Suite 1 Milford, PA 18337
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Application Received October 12, 2023

Description	The applicant proposes to construct a new 89' x 30' building, housing office space and two new manganese filtration vessels serving Well 8 and Well 9.
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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. 0923519, Construction, Public Water Supply.

Applicant	Peddlers Village Partnership
Address	P.O. Box 218 Lahaska, PA 18931
Municipality	Buckingham Township
County	Bucks County
Responsible Official	Kevin Hamilton P.O. Box 218 Lahaska, PA 18931

Consulting Engineer	Gilmore & Associates, Inc. 65 East Butler Avenue New Britain, PA 18901-5106
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Application Received October 13, 2023

Description	Water supply well and treatment.
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Application No. 1523522, Construction, Public Water Supply.

Applicant	New Bolton Center
Address	382 West Street Road Kennett Square, PA 19348
Municipality	East Marlborough Township
County	Chester County
Responsible Official	Jeffrey DeRusso P.O. Box 467 Chester, PA 19016-0467

Consulting Engineer	Remington & Vernick Engineers 600 West Hamilton Street Suite 320 Allentown, PA 18101
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Application Received October 23, 2023

Description	Change of water source from on-site wells to CWA supply.
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Application No. 0923509, Construction, Public Water Supply.

Applicant	Pennsylvania American Water Company
Address	852 Wesley Drive Mechanicsburg, PA 17055-4436
Municipality	Lower Makefield Township
County	Bucks County

Responsible Official Kelly Kowalski
852 Wesley Drive
Mechanicsburg, PA 17055-4436

Consulting Engineer Gannett Fleming, Inc.
207 Senate Avenue
Camp Hill, PA 17011

Application Received June 5, 2023

Description The existing water storage tank and booster pump station will be replaced in kind. New pump station will include an additional second pump for redundancy. Booster pump station will include a new control panel and various instruments for the new pumps.

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

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

Application No. 6513528-A2, Construction, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**

Address 124 Park and Pool Road
New Stanton, PA 15672

Municipality Plum Borough

County **Allegheny County**

Responsible Official Michael Kukura
Resident Manager
124 Park and Pool Road
New Stanton, PA 15672

Consulting Engineer Municipal Authority of Westmoreland County
124 Park and Pool Road
New Stanton, PA 15672

Application Received October 4, 2023

Description Relocation of chemical injection points at the Hankey Farm water storage tank site.

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.

Oil Recovery Corporation, 138 Palmer Avenue, West Springfield, MA 01089. **License No. PA-AH 0942.** Accepted: July 17, 2023.

Superior Environmental Services, Inc., 9996 Joseph James Drive, Cincinnati, OH 45246. **License No. PA-AH 0943.** Accepted: September 6, 2023.

SES-R1 LLC dba Resource One, 9996 Joseph James Drive, Cincinnati, OH 45246. **License No. PA-AH 0944.** Accepted: September 11, 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.

RSO, Inc., P.O. Box 1450, Laurel, MD 20725. **License No. PA-AH 0578.** Accepted: September 25, 2023.

Emerald Environmental Services, Inc., 1621 St. Clair Avenue, Kent, OH 44240. **License No. PA-AH 0641.** Accepted: August 10, 2023.

Turn-Key Environmental Services, Inc., P.O. Box 519, Blairstown, NJ 07825. **License No. PA-AH 0738.** Accepted: October 25, 2023.

Goulet Trucking, Inc., P.O. Box 259, South Deerfield, MA 01373. **License No. PA-AH 0768.** Accepted: August 28, 2023.

Action Trucking Co., Inc., 3010 Burns Avenue, Wantagh, NY 11793. **License No. PA-AH 0826.** Accepted: September 18, 2023.

Specialty Disposal Services, Inc., 115 Route 46 West, Mountain Lakes, NJ 07046. **License No. PA-AH 0852.** Accepted: August 23, 2023.

ERG Environmental Services, 13040 Merriman Road, Livonia, MI 48150. **License No. PA-AH 0914.** Accepted: October 4, 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.

Clean Harbors Environmental Services, Inc., 42 Longwater Dr., Norwell, MA 02061. **License No. PA-HC 0053.** Accepted: October 11, 2023.

University of Pittsburgh of The Commonwealth System of Higher Education, Jerome Cochran Public Safety Building, 4th Floor, Pittsburgh, PA 15260. **License No. PA-HC 0183.** Accepted: September 18, 2023.

R. Mor Enterprises Inc. dba NJ Medical Waste, P.O. Box 6595, East Brunswick, NJ 08816. **License No. PA-HC 0246.** Accepted: August 14, 2023.

Moran Environmental Recovery LLC, 75D York Ave, Randolph, MA 02368. **License No. PA-HC 0250.** Accepted: October 11, 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.

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

Contact: David Balog, New Source Review Section Chief, 814-332-6328.

62-00032Q: Ellwood National Forge, 3 Front St., Irvine, PA 16329, Brokenstraw Township, **Warren County**. Application received: March 21, 2023. Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 62-00032Q to Ellwood National Forge for the installation of two (2) natural gas fired annealing furnaces, and the modification of emission limits of a file and grind process at the company's facility located at 3 Front Street, Brokenstraw Township, Warren County. The facility currently has a Title V Operating Permit No. 62-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. Plan Approval No. 62-00032Q is for the addition of two (2) 22 MMBtu/hr capacity natural gas-fired annealing furnaces (Source ID 103D and 103E), which will be used to process steel ingots, and to administratively modify the emissions limits for Ellwood National Forge's Crankshaft File and Grind operation (Source ID 114) and the associated baghouse (Source ID C114). The annealing furnaces will have a throughput limited to 231 MMscf per year combined calculated as a 12-month rolling total. Based on the information provided by the applicant and DEP's own analysis, the two annealing furnaces will result in potential emissions not to exceed; 9.702 tons of carbon monoxide (CO), 8.670 tons of nitrogen oxides (NO_x), 0.880 ton of total suspended particulate (PM), 0.070 ton of sulfur oxides (SO_x), and 0.640 ton of volatile organic compounds (VOC) per year, calculate as a 12-month rolling total from both furnaces combined. The Crankshaft File and Grind operation will result in potential emissions not to exceed 4.690 tons of total suspended particulate (PM) per year, based on a 12-month rolling total. Proposed BAT for the annealing furnaces will be the use of low-NO_x burners for the control of NO_x, use of low-sulfur fuels, and good engineering and combustion practices. Proposed BAT for the Crankshaft File and Grind Process will be the use of a baghouse, and good engineering practices. The Plan Approval will contain additional monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340, for an appointment. Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the

proposed Plan Approval No. 62-00032Q and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6121.

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

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

36-03202A: US Pipe Fabrication LLC/Ephrata, 109 Fifth Street, Orlando, FL 32824, Ephrata Township, **Lancaster County**. Application received: July 28, 2023. For operation of a metal pipe coating booth controlled by dry filters. Potential emissions for VOCs and HAPs are estimated to be 8.6 and 4.8 tons per year (tpy), respectively. The surface coating operations are subject to 25 Pa. Code § 129.52/129.52d. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

22-03102B: Derry Township Municipal Authority, 670 Clearwater Road, Hershey, PA 17033, Derry Township, **Dauphin County**. Application received: May 18, 2023. For the installation of an Ecoremedy gasifier and dryer system to produce syngas (that will be combusted for process heat) and Class A biosolids. The proposed process will treat solids downstream of the existing anaerobic digester. The gasification process will convert organic solids into syngas and ash residuals. The process will be controlled by a multiclone, venturi wet scrubber, packed bed scrubber, finish burner and plume abatement heat exchanger at the municipal waste facility. The expected increases in facility potential emissions as a result of the changes proposed are: NO_x 9.24 tpy, CO 23.59 tpy, SO_x 0.96 tpy, PM₁₀ 7.69 tpy, VOC 0.70 tpy and HAPs 0.02 tpy. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 61 Subpart E—National Emission Standards for Mercury. Based on these

findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-63-00646A: Ritchey Metals Company, Inc., 30 Georgetown Road, Canonsburg, PA 15317, Cecil Township, **Washington County**. Application received: July 22, 2022. In accordance with 25 Pa. Code §§ 127.44 and 127.45, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval (PA-63-00646A) to Ritchey Metals Company Inc. ("Ritchey Metals") to authorize the temporary operation of a new Reverb Furnace (Source 109) rated at 10.6 MMBtu/hr and an associated dust collector (C05) rated at 25,000 SCFM. The plan approval also includes the upgradation of an existing Rotary Furnace (Source 104) with addition of an oxygen enhancement system controlled by an existing dust collector C03 rated at 25,000 SCFM for manufacturing zinc and aluminum-based alloys through melting of industrial-grade primary metals at their Hendersonville Plant located on 30 Georgetown Road in Canonsburg in Cecil Township, Washington County. The facility is limited to a material processing throughput of 26,158 tpy (zinc, aluminum, & silicon) on a 12-month rolling basis. The estimated emissions from metal processing are 1.25 tpy PM, 0.80 tpy PM₁₀, 0.3 tpy NO_x, 0.20 CO, 0.01 tpy SO_x, and 0.3 tpy of VOC. This authorization is subject to the best available technology (BAT) and the State Regulations including 25 Pa. Code Chapters 123 and 127. Plan approval conditions include material throughput, monitoring requirements, work practice standards, recordkeeping requirements, and reporting requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise or submit a State Only Operating Permit ("SOOP") application in accordance with 25 Pa. Code Subchapter F. The Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact Jesse Parihar at jparihar@pa.gov or 412.442.4030. A person may oppose the proposed Plan Approval by filing a written protest with the Department through Jesse Parihar via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to jparihar@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00646A) and a concise statement of the objections to the plan approval issuance 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.

CORRECTION—previously published on September 23, 2023

PA-65-00840: Eastern Gas Transmission and Storage, Inc., 267 McLlvaine Road, Greensburg, PA 15601, Hempfield Township, **Westmoreland County**. Application received: December 19, 2022.

Pursuant to 25 Pa. Code §§ 127.44—127.46 for intent to issue Air Quality plan approval for authorization to construct and temporarily operate sources associated with the South Oakford Compressor Station, a Title V facility in Hempfield Township, Westmoreland County.

The proposed project will add Selective Catalytic Reduction (SCR) units to each of two compressor engines, in order to achieve the presumptive RACT III requirements for each engine. The addition of the SCR will result in a reduction of NO_x emissions from this existing facility.

Presumptive RACT III conditions are included in the plan approval for the other equipment at the compressor station as needed, including one natural gas-fired boiler, one glycol dehydration unit, one produced fluids tank, one parts washer, four compressors driven by the two compressor engines, one auxiliary generator, and fugitive emissions sources.

After the completion of the project, the facility will be limited to 79.0 tons/12-consecutive month period (12-cmp) of NO_x, 159.0 tons/12-cmp of CO, 16.0 tons/12-cmp of PM₁₀, 16.0 tons/12-cmp of PM_{2.5}, 0.5 ton/12-cmp of SO_x, 66.0 tons/12-cmp of VOC, 22.1 tons/12-cmp of formaldehyde, and 31.5 tons/12-cmp total HAPs.

The proposed project is subject to and has been conditioned to ensure compliance with all applicable requirements specified in 25 Pa. Code and 40 CFR Part 60 and includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. The project 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 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 person may oppose the proposed Air Quality plan approval by filing a written protest with the Department or may submit written comments through Sheri Guerrieri, P.E., New Source Review Chief, via the U.S. Postal Service to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; via email to shguerrieri@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-65-00840) and a

concise statement of the objections to plan approval issuance 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 the newspaper or by 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 Guerrieri, P.E., New Source Review Chief, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, or via email to shguerrieri@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.

49-00001, Mt. Carmel Cogen, Inc., Marion Heights Road, Marion Heights, PA 17832, Mount Carmel Township, **Northumberland County**. Application received: October 25, 2022. The Department intends to issue a renewal Title V Operating Permit for the Mt Carmel Cogen/Culm Fired Cogen Plant facility. The facility is currently operating under TVOP 49-00001. The facility's sources include one (1) 623.5 Million Btu per hour (MMBtu/hr) Anthracite Culm-Fired, Foster Wheeler Circulating Fluidized Bed (CFB) Boiler, one (1) 8.37 MMBtu/hr Natural Gas/Propane-Fired Boiler, two (2) Culm Day Bins, Limestone Storage Bins A & B, Ash Vacuum Conveyor Systems A & B, Pneumatic Conveying System and Storage Silo, Ash Loadout And Handling Operation, Backup Culm Crushing And Conveying Operation, Transfer Tower 2, one (1) Trammel Screen, one (1) 187 Horsepower, No. 2 Oil-Fired Cummins Emergency Fire Pump Engine, Culm Conveying Operations, Radial Stacker And Stockpile, Main Culm Processing Operation, eight (8) Storage Tanks and one (1) Gasoline Storage Tank. The facility has potential annual emissions of 1,244.18 tons of carbon monoxide, 441.98 tons of nitrogen oxides, 546.30 tons of sulfur oxides, 104.10 tons of particulate matter including particulate matter less than 10 microns in size, 49.00 tons of volatile organic compounds, 21.01 tons of hazardous air pollutants, and 566,141 tons of greenhouse gases. Permit revisions include incorporating applicable RACT III requirements of 25 Pa. Code §§ 129.111—129.115. The CFB boiler, pursuant to § 129.112(g)(1)(vi), is subject to the presumptive RACT III emission limitations for NO_x of 0.16 lb/MMBtu and per § 129.115(b)(4), boilers equipped with CEMS are required to demonstrate compliance with NO_x emissions limit using a daily average. Compliance with these emission limitations assures compliance with the presumptive RACT III emission limitations. The natural gas-fired boiler (Source ID 032) and the emergency fire pump

engine (Source ID P109), pursuant to §§ 129.112(c)(1) and (c)(10), respectively, are required to maintain and operate the source in accordance with the manufacturer's specification and with good operating practices. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 60, Part 63, Parts 72–78, Part 97, and 25 Pa. Code Article III, Chapters 121–145. Copies of the application, DEP's analysis and all pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

19-00007, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, TX 77251, Jackson Township, **Columbia 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 3 plan and an amendment to the State Implementation Plan (SIP) for Compressor Station 517. The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT 3 approval for the facility, including an alternative compliance schedule, which are intended to satisfy the requirements for the 2015 National Ambient Air Quality Standard for ozone. The proposed amendments to the RACT 3 determination, if finally approved, will be incorporated into a revised operating permit (19-00007) for the facility. The relevant RACT 3 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 alternative compliance schedule will be excluded from the SIP submittal. The following is a summary of the proposed amendments to the RACT 3 determination for this operation that will be submitted to the EPA as a SIP revision: (a) The permittee shall not cause, allow, or permit NO_x to be emitted from this source in excess of 25 ppmvd at 15% O₂ as of the final compliance date specified in alternative compliance schedule detailed as follows. (b) The source is a Compressor Turbine, natural gas-fired, Solar, Model Centaur 50, 5,500 HP, 46.9 MMBtu/hr rated heat input, Installation date 1992. (c) The proposed air cleaning device includes a new turbine core which has been designed to reach an emission level of 25 ppmvd NO_x at 15% O₂ as well as turbine control system upgrades. (d) The remaining phases of the installation of the proposed air cleaning devices are projected to be completed by the dates specified in the revised operating permit. (e) Prior to the final compliance date specified, the source shall comply with NO_x emission limitations of 19.3 lb/hr, 34.0 tons/yr, and 150 ppmvd at 15% O₂. (f) The final compliance date for this alternative compliance schedule is July 31, 2024. The installation of the proposed turbine core, control system upgrades, and compliance demonstration shall be complete by the final compliance date. Public hearing. A public hearing will be

held if requested by December 6, 2023 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on December 19, 2023, at 1:00 PM at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. 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 December 12, 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>. We ask that you 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 17701-6448. 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 17701-6448. 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 3 Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT 3 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 17701-6448. 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.

41-00001, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, TX 77251, Mifflin Township, **Lycoming County**. Application received: December 29, 2022. For a significant permit modification pursuant to 25 Pa. Code § 127.541 for Compressor Station 520 located in Mifflin Township, Lycoming County. Transco has submitted a significant operating permit modification application to incorporate the applicable RACT 3 requirements of 25 Pa. Code §§ 129.111–129.115 for existing sources at the facility into TVOP 41-00001. The proposed operating permit includes a determination that, for two existing Solar Mars turbines at the facility, the case-by-case NO_x RACT 2 determination performed

pursuant to 25 Pa. Code § 129.99 also satisfies the NO_x RACT 3 requirements per 25 Pa. Code § 129.114(i). An existing Solar Titan turbine is subject to the presumptive RACT III emission limitation of ≤42 ppmvd at 15% O₂ for NO_x and both the Mars and Titan turbines are subject to a ≤9 ppmvd at 15% O₂ limit for VOCs (as propane) (§ 129.112(g)(2)(v)(A) and (B)). Each reciprocating compressor engine at the facility is subject to the presumptive RACT III emission limitations of 3.0 g/bhp-hr for NO_x and 0.5 g/bhp-hr for VOCs (§ 129.112(g)(3)(i)(A) and (B)). All other sources at the facility are required to comply with good operating practices (§ 129.112(c)) or keep records to demonstrate that emissions are less than 1 ton per year (§ 129.115(g) and (h)). The proposed modifications to TVOP 41-00001 do not authorize the construction of new sources or any emissions increases for existing sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements pertaining to the sources at Compressor Station 520 have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. Several permit conditions have been derived from the applicable requirements of 40 CFR Parts 60 and 63 as well as 25 Pa. Code Article III, Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550. Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (Permit No. 41-00001) and concise statements regarding the relevancy of the information or objections to 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 information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

47-00014, United States Gypsum Company, 86 PPL Road, Danville, PA 17821, Derry Township, **Montour County**. Application received: December 19, 2023. The Department intends to renew their Washingtonville Plant facility's Title V operating permit for continued operation of the existing sources. The previously listed facility consists of the gypsum wallboard dryer associated with Source ID P114, and the raw synthetic gypsum dryer/mills associated with Source IDs P101 and P102, as well as the calcining kettles associated with Source IDs P103 and P104 and all the other raw material product processing, handling and storage equipment, including Source IDs P105 and P106 (desteamers 1 and 2), Source IDs

P107 and P108 (kettle feed bins 1 and 2), Source IDs P109–P113 including the stucco bins and other material bins and handling as well as the rotary screen, the bulk storage bin and hopper associated with Source ID P123, the Source IDs P115, P116, P120 and P124 associated with end saw, dunnage machine, paper edge heater and glue usage, and wallboard ink, respectively. Source IDs P119 and P122 encompasses the existing gypsum unloading, storage and handling activities associated with the synthetic gypsum material, along with the misc. sources including the Source ID P121 diesel tank and the Source ID P201 fire pump engine. The facility's potential emissions, including the type and quantity are estimated to be: 91.2 tons/yr NO_x; 158.3 tons/yr CO; 0.44 ton/yr SO₂; 48.8 tons/yr VOC; 16.4 tons/yr HAP; 7.4 tons/yr single HAP (formaldehyde), 180,882 tons/yr CO₂; 110.6 tons/yr particulate matter (TPM) as well as PM₁₀ and PM_{2.5}. The modifications permitted under Plan Approval 47-00014D, as well as the affected Source ID P114, will be incorporated into this Title V operating permit, as well as the RFD submitted over the permit cycle for a new gypsum storage building (dome) that was installed and will be incorporated into existing Source ID P119. Lastly, the revised BAT limits for PM₁₀/PM_{2.5} on the kettle calciners as per the company's BAT analysis that was proposed due to historical changes in raw material supply will also be incorporated into this Title V operating permit (DEP Auth ID 1411501). All BAT requirements for the Source ID P114 will continue to be in effect. Additionally, the Title V permit will continue to require that Source IDs P101–P104 use their bag leak detection monitoring requirement pursuant to the testing and other Compliance Assurance Monitoring requirements within 25 Pa. Code Chapter 127, Subchapter F and G, and 40 CFR Part 64. Moreover, the permit contains the applicable Federal requirements, including the National Standards of Performance for mineral processing facilities, calciners and dryers, and for stationary diesel reciprocating engines, as codified within 40 CFR Part 60, Subparts OOO, UUU and IIII, respectively, as well as the National Emission Standards for Hazardous Air Pollutants for stationary diesel reciprocating engines which are codified within 40 CFR Part 63 Subpart ZZZZ. Lastly, the facility will continue to be required to maintain VOC and HAP emissions less than the existing emission caps that are established within Plan Approval 47-00014D. The previously listed Title V permit authorization incorporates all the applicable State and Federal air quality regulatory requirements, including the appropriate testing, monitoring, recordkeeping, reporting, work practices and any other conditions necessary to verify compliance in accordance with 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the 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.

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.

15-00010, Cleveland Cliffs Plate LLC, 139 Modena Rd, Coatesville, PA 19320, City of Coatesville, **Chester County**. Application received: December 19, 2022. This action is for the modification of the Title V Operating Permit in Coatesville Borough, Chester County. This modification incorporates the RACT Phase III requirements into the existing operating permit in accordance

with 25 Pa. Code § 129.114(a) [Alternate RACT proposal]. The facility recycles steel and reforms it into steel slabs or steel ingots. The facility is both major for NO_x emissions and VOC emissions. The following sources are subject to case-by-case RACT III regulations: the EMS Boiler (Source ID 055), BHT Furnaces # 2—# 8 and # 10 (Source ID 136), the 200' NAB Furnace (Source ID 146B), Soaking Pits # 35—# 49 (Source ID 151), Identification Marking (Source ID 250), and the Continuous Caster Spray Chamber (Source ID 270). The RACT analysis provided by Cleveland Cliffs Plate, LLC was evaluated to determine if any new or additional controls could be required to reduce NO_x and/or VOC from the aforementioned sources. DEP concurs with the analysis performed by Cleveland Cliffs Plate, LLC that there are no additional controls available currently that are both technically and economically feasible. Where appropriate, NO_x and VOC limits have been established for the case-by-case sources, including methods of compliance. For those sources subject to presumptive RACT requirements of 25 Pa. Code § 129.112, applicable conditions will be incorporated into the Title V Operating Permit. Changes to the existing operating permit that are made in conjunction with RACT Phase III will be submitted to EPA for review and approval to be added to the state implementation plan. This permit is being modified in accordance with 25 Pa. Code § 127.541. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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.

41-00070, PMF Industries, Inc., 2601 Reach Road, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. Application received: December 30, 2022. The Department intends to issue a State Only (Natural Minor) Operating Permit renewal for the PMF manufacturing facility. The facility's sources include one Ultronix model 602525 open-top batch vapor degreaser equipped with a Copeland semi-hermetic subzero refrigerated freeboard chiller using n-propyl bromide as the solvent, one 11 kW Generac model 0064400 emergency generator incorporating a 19.9 horsepower natural gas-fired engine, a hand grinding operation center comprised of 11 electric powered spindle machines the particulate matter emissions from which are controlled by either a cyclone collector or cartridge filter collector, and an electropolishing operation consisting of one (1) alkaline tank, two (2) acid tanks, one (1) electro-polishing tank equipped with a 6.000 amp rectifier and seven (7) rinse tanks. The facility has the potential to emit 0.42 ton per year of carbon monoxide; 0.25 ton per year of nitrogen oxides; 1.71 tons per year of sulfur oxides, 0.27 ton per year of particulate matter; 6.5 tons per year of volatile organic compounds;

6.34 tons per year of volatile hazardous air pollutants and 13 tons per year of carbon dioxide equivalent emissions. The emission limits and work practice standards along with 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 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, and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

60-00001, Bucknell University, University Avenue, Lewisburg, PA 17837, Borough of Lewisburg and East Buffalo Township, **Union County**. Application received: December 20, 2022. The Department intends to issue a renewal State-Only (Synthetic Minor) Operating Permit for operation of the Bucknell University facility located in the Borough of Lewisburg and East Buffalo Township, Union County. The facility's main sources include an 88.8 million Btu per hour natural gas/No. 2 oil-fired boiler, an 85.2 million Btu per hour natural gas/No. 2 oil-fired boiler, a 5.5 megawatt natural gas-fired combustion turbine, a 48.0 million Btu per hour duct burner, a 749 horsepower diesel-fired emergency generator engine, as well as numerous small campus boilers, furnaces and emergency engines. The facility has the potential to emit up to 4.49 tons of particulate matter (including particulate matter less than 10 microns and particulate matter less than 2.5 microns), 2.01 tons of HAPs, 10.71 tons of SO_x, 70.54 tons of NO_x, 13.98 tons of VOCs, 63.61 tons of CO per year, and 66,970 tons of greenhouse gases (as carbon dioxide equivalent). The boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63 Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources. The natural gas-fired emergency generators are subject to 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The diesel-fired engines are subject to 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The combustion turbine is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. The stationary fuel combustion sources at the facility are subject to 40 CFR Part 98, Subpart A—Mandatory Greenhouse Gas Reporting. The

emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 60, 63, and 98. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

41-00090, Digger Specialties, Inc., 3639 Destiny Dr, P.O. Box 241, Bremen, IN 46506, Montgomery Borough, **Lycoming County**. Application received: December 15, 2022. To issue a State Only Operating Permit for the Montgomery Aluminum Fence Site. The facility is currently operating under Plan Approval 41-00090A. The facility's main sources include two powder coating lines, welding operations, various combustion sources and an aluminum parts wash line. The facility has potential emissions of 7.16 TPY of CO; 8.52 TPY of NO_x; 0.05 TPY of SO_x; 3.13 TPY of PM/PM₁₀; 1.69 TPY of VOCs; 0.22 TPY HAPs; 10,250 TPY GHGs. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

08-00013, Cooley Tioga Point Cremation and Burial Options, Inc., 802 N. Main St., Athens, PA 18810, Athens Township, **Bradford County**. Application received: March 20, 2023. To issue a renewal State Only Operating Permit for the Tioga Point Crematory. The facility is currently operating under State Only Operating Permit 08-00013. The facility's sources include one natural gas-fired All Crematory model 2500 Elite human remains crematory incinerator equipped with an integral secondary combustion chamber. The facility has potential emissions of 0.03 TPY of CO; 0.77 TPY of NO_x; 0.01 TPY of SO_x; 0.36 TPY of PM/PM₁₀; 0.04 TPY of VOCs; 0.02 TPY hazardous air pollutants; 929 TPY GHGs. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208

West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

24-00017, Morgan Advanced Materials and Technology Inc., 441 Hall Ave, Saint Marys, PA 15857-1400, City of Saint Marys, **Elk County**. Application received: November 22, 2022. The Department intends to issue the renewal of the Natural Minor State-Only Operating Permit of a facility that produces silicon carbide (SiC) based molding powders and manufactures carbon seal and bearing components from carbon molding powders and carbon blanks. Emissions at the facility are created by natural gas-fired sources, spray drying SiC powders, carbon baking, and the resin and/or molten metal impregnation processes. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants; the facility is a Natural Minor for permitting purposes. In this renewal, two sources are deactivated, and several ministerial updates to 40 CFR Part 63 Subpart ZZZZ are incorporated.

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.

22-03048, Reiff & Nestor Co., P.O. Box 147, Lykens, PA 17048, Lykens Borough, **Dauphin County**. Application received: July 28, 2023. For the operation of a steel tap manufacturing plant. This is for the renewal of the existing State-Only Operating Permit. The facility is a minor source of particulate matter emissions related to machining and grinding operations and an insignificant source of chromic acid mist from hard chrome plating operations. 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 Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

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.

46-00171, Lesjofors Real Estate Co LLC/Lansdale, 1 Spring Ave, Lansdale, PA 19446, Lansdale Borough, **Montgomery County**. Application received: August 11, 2023. This action is for the renewal of a Non-Title V Facility, State-Only, Natural Minor Permit. Lesjofors Real Estate Co LLC owns the former John Evans Sons, Inc. John Evans Sons still operates the business and sources of emissions include a boiler, a parts washer, and a number of spring-forming machines. The facility has a potential to emit 3 tons of hazardous air pollutants per

year, and less than 2.7 tons of n-propyl bromide. Monitoring, recordkeeping and reporting requirements are included in the permit to address applicable limitations. There are no changes reflected in this renewal permit. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

15-00046, Sunoco Pipeline LP/Icedale Pump Station, 1824 Horseshoe Pike, Honey Brook, PA 19344-8500, West Brandywine Township, **Chester County**. Application received: October 20, 2022. This action is for the renewal of a State-Only, Synthetic Minor Permit 15-00046 for Sunoco Pipeline's Icedale Pump Station. The facility consists of three (3) storage tanks each with a capacity greater than 4,000,000. One tank (Source ID 101) is fixed roof and limited to storage of petroleum distillates such as heating oil and diesel fuel. The remaining two (2) tanks have internal floating roofs and are permitted for gasoline, ethanol, transmix and distillate storage. The facility has taken emissions limits of less than 25 tpy VOCs, 25 tpy total HAPs and 10 tpy individual HAP. Emissions are control via gaskets, seals, bolted hatches and restrictions on vapor pressure of liquids stored. No other controls are used. Emissions from the facility for 2022 were 9.72 tpy of VOCs. HAPs emissions were under 0.001 tpy for 2022. Conditions included in the permit dictate inspection and maintenance of tanks; installation and maintenance of regulatory required equipment; calculation and recording of emissions; and maintaining records of inspections and repairs. The facility is also subject to semi-annual reporting. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

23-00123, AeroAggregates, LLC, 1500 Chester Pike, Eddystone, PA 19022, Eddystone Borough, **Delaware County**. Application received: August 22, 2023. An Initial State-Only Operating Permit for an existing foamed glass aggregate production facility that operates three existing natural gas-fired glass foaming tunnel kilns and an existing natural gas-fired fluidized bed dryer with a bagfilter. As a result of potential emissions of NO_x and VOCs, the facility is not a Title V facility. The operation of the glass foaming tunnel kilns and the fluidized bed dryer will not exceed the following site-wide pollutant emission limits: 24.9 tpy nitrogen oxides (NO_x) and 24.9 tpy volatile organic compounds (VOCs). In accordance with 25 Pa. Code § 127.450(a)(5), this operating permit has been amended to incorporate the requirements of the existing Plan Approval 23-0123A. The Operating Permit will contain recordkeeping requirements and operating restrictions 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. 63131302. NPDES No. PA0001147. Consol Mining Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Cecil Township, **Washington County**. To renew the permit and related NPDES permit. Application received: October 5, 2023. Accepted: October 20, 2023.

Mining Permit No. 56021301. NPDES No. PA0235547. Elk Lick Energy, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Lincoln Township, **Somerset County**. To renew the permit and related NPDES permit. Application received: September 27, 2023. Accepted: October 25, 2023.

Mining Permit No. 30121301. NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Morris, Gray, Richhill, and Center Townships, **Greene County**. To revise the permit and related NPDES permit changing 4,900.00 previously permitted acres from development mining to longwall mining and adding 53.16 proposed subsidence control plan acres and adding 53.16 proposed underground acres. Application received: September 27, 2023. Accepted: October 26, 2023.

Mining Permit No. 63131301. NPDES No. PA0236233. RAM Mining, LLC, 250 West Main Street, Suite 210, Lexington, KY 40507, Nottingham and Peters Townships, **Washington County**. To operate an underground coal mine. The operation will not discharge treated waste water and treated mine discharge into unnamed tributaries of Mingo Creek. The operation has an approved non-discharge alternative. Surface acres proposed 61.4, Underground Acres Proposed 1,317.7, Subsidence Control Plan Acres Proposed 1,317.7. Application also includes a request for a Section 401 Water Quality Certification. No discharges. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company and intake: Monongahela River. Application received: October 10, 2014. Accepted: February 25, 2015. Denied: September 6, 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. 61130101. NPDES No. PA0259462. Hillside Stone, LLC, 4080 Sandy Lake Road, Sandy Lake, PA 16145, Irwin Township, **Venango County**. Renewal of an existing bituminous surface mine and NPDES permit. Application received: October 25, 2023.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse

disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

Contact: Cassie Stanton, Clerical Assistant 2.

NPDES No. PA0214191. Mining Permit No. 17921602. King Coal Sales, Inc., P.O. Box 712, Philipsburg, PA 16866, Morris Township, **Clearfield County**. Application received: August 24, 2023. Renewal of an NPDES permit for discharge of water resulting from coal storage and processing affecting 26 acres. Receiving stream(s): Unnamed wetland to Alder Run, classified for the following use(s): CWF. This receiving stream is included in the Alder Run TMDL. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities. The following outfall discharges to an Unnamed wetland to Alder Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Basin	Precipitation Induced

The NPDES permit includes a compliance schedule. The proposed effluent limits for the previously listed outfall are as follows until December 31, 2024:

<i>Outfalls: 001 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35	70	90
Total Dissolved Solids (mg/L)		Report	
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

The proposed effluent limits for the previously listed outfall are as follows beginning January 1, 2025:

<i>Outfalls: 001 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35	70	90
Total Dissolved Solids (mg/L)		Report	
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

Noncoal NPDES Draft Permits

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

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

NPDES No. PA0234583. Mining Permit No. 31970301. U.S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17042, Brady Township, **Huntingdon County**. Renewal of an NPDES permit for a sandstone quarry affecting 307 acres. Receiving streams: Mill Creek and Saddler Run, classified for the following uses: TSF. Application received: November 21, 2022.

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

The following outfall discharges to Mill Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N

The following outfall discharges to Saddler Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

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

The following limits apply to all dry weather discharges from stormwater facilities to Unnamed tributaries to Conococheague Creek:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U)	6.0	N/A	N/A	9.0
Total Suspended Solids (mg/L)	N/A	35.0	70.0	90.0
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)).

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

E0829223-009. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Albany Township and

Terry Township, **Bradford County.** U.S. Army Corps of Engineers Baltimore District. Application received: October 24, 2023.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,178 square feet of a Palustrine Emergent Wetland, 54 linear feet (1,336 square feet) of an unnamed tributary to Sugar Run (CWF, MF) and 7,811 square feet of floodway impacts (Monroeton, PA Quadrangle, Latitude: 41.646656°, Longitude: -76.602749°);

2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 828 square feet of a Palustrine Emergent Wetland (Monroeton, PA Quadrangle, Latitude: 41.645457°, Longitude: -76.388896°);

3. a 16-inch diameter temporary waterline impacting 47 square feet of a Palustrine Emergent Wetland (Monroeton, PA Quadrangle, Latitude: 41.645683°, Longitude: -76.387272°);

4. a 16-inch diameter temporary waterline and a timber mat bridge impacting 10,505 square feet of a Palustrine Emergent Wetland and 380 square feet of a Palustrine Scrub-Shrub Wetland (Monroeton, PA Quadrangle, Latitude: 41.647911°, Longitude: -76.382017°);

5. a 16-inch diameter temporary waterline and a timber mat bridge impacting 627 square feet of a Palustrine Emergent Wetland and 125 square feet of a Palustrine Scrub-Shrub Wetland (Monroeton, PA Quadrangle, Latitude: 41.648246°, Longitude: -76.381084°);

6. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (369 square feet) of an unnamed tributary to Sugar Run (CWF, MF), 290 square feet of floodway impacts, 7 square feet of Palustrine Emergent Wetland and 301 square feet of Palustrine Scrub-Shrub Wetland (Monroeton, PA Quadrangle, Latitude: 41.648409°, Longitude: -76.380652°);

7. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (473 square feet) of an unnamed tributary to Sugar Run (CWF, MF), 4,192 square feet of floodway impacts, 366 square feet of Palustrine Emergent Wetland and 172 square feet of Palustrine Scrub-Shrub Wetland (Monroeton, PA Quadrangle, Latitude: 41.648557°, Longitude: -76.380272°);

8. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (144 square feet) of an unnamed tributary to Sugar Run (CWF, MF), 2,740 square feet of floodway impacts, 1,661 square feet of

Palustrine Emergent Wetland and 99 square feet of Palustrine Scrub-Shrub Wetland (Monroeton, PA Quadrangle, Latitude: 41.648881°, Longitude: -76.379412°);

9. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (205 square feet) of an unnamed tributary to Sugar Run (CWF, MF), 2,221 square feet of floodway impacts, and 1,006 square feet of Palustrine Emergent Wetland (Monroeton, PA Quadrangle, Latitude: 41.646663°, Longitude: -76.375384°);

10. a 16-inch diameter temporary waterline and a timber mat bridge impacting 718 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.637496°, Longitude: -76.373099°);

11. a 16-inch diameter temporary waterline and a timber mat bridge impacting 379 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.637336°, Longitude: -76.372710°);

12. a 16-inch diameter temporary waterline and a timber mat bridge impacting 501 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.633946°, Longitude: -76.366626°);

13. a 16-inch diameter temporary waterline and a timber mat bridge impacting 579 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.628252°, Longitude: -76.359430°);

14. a 16-inch diameter temporary waterline and a timber mat bridge impacting 303 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.628236°, Longitude: -76.358987°);

15. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,757 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.628227°, Longitude: -76.358287°);

16. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2 linear feet (2 square feet) of an unnamed tributary to Sugar Run (CWF, MF), 330 square feet of floodway impacts, 1,369 square feet of Palustrine Emergent Wetland and 36 square feet of Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41.628051°, Longitude: -76.357027°);

17. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (256 square feet) of an unnamed tributary to Sugar Run (CWF, MF), 2,299 square feet of floodway impacts, and 256 square feet of Palustrine Emergent Wetland and 36 square feet of Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41.628495°, Longitude: -76.351052°);

18. a 16-inch diameter temporary waterline and a timber mat bridge impacting 911 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.630253°, Longitude: -76.353229°);

19. a 16-inch diameter temporary waterline and a timber mat bridge impacting 997 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41.635742°, Longitude: -76.353939°);

The project will result in 156 linear feet (2,785 square feet) of temporary stream impacts, 19,883 square feet (0.456 acre) of temporary floodway impacts, 24,995 square feet (0.574 acre) of temporary PEM wetland impacts, 1,077 square feet (0.025 acre) of temporary PSS wetland impacts and 36 square feet (0.001 acre) of temporary PFO wetland impacts, all for the purpose of establishing a temporary water supply for Marcellus well development in Albany and Terry Township, Bradford County.

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

Contact: Jake Carson, Project Manager, 570-327-3565.

E0804123-008. Pennsylvania Department of Transportation Engineering District 3-0, 715 Jordan Ave, Montoursville, PA 17754, Albany Township and New Albany Borough, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 9, 2023.

PA DOT Engineering District 3-0 proposes a bridge replacement and roadway reconstruction project. The Existing Structure has a Span of 15.67 Ft, Skew of 85°, Roadway Width of 55 Ft., Underclearance of 9.58 Ft., Low Chord Elevation of 1,309.50 Ft., and a Hydraulic Opening of 118 Ft². The Proposed Box Culvert Structure has a Span of 16.0 Ft, Skew of 85°, Roadway Width of 55 Ft., Underclearance of 9.5 Ft., Low Chord Elevation of 1,308.19 Ft., and a Hydraulic Opening of 152 Ft². The project will utilize R-8 Rip Rap scour protection at the inlet and outlet. The proposed structure will be depressed one foot and include full width baffles to aid in aquatic passage. The proposed slope is 3.74%. The project will include approximately 2,300 LF of roadway reconstruction and embankment repair to correct damage from the 2018 Flooding. The embankment repair will include four locations of concrete caisson walls totaling approximately 910 LF. The concrete caisson walls will be constructed just behind the guiderail and will not impact the stream. The embankment repair will include a 1.5:1 side slope Grouted R-8 Rip Rap slope. The Rip Rap slope will be approximately 245 LF. Ladds Creek will run along the toe of slope of the Rip Rap slope. The project includes two pipe outfalls and five Rip Rap apron outfalls to Ladds Creek. The project will temporarily impact 0.02 acre and permanently impact 0.01 acre of jurisdictional wetlands. The wetland impact is considered de minimis and does not require mitigation. Ladds Creek is classified as a Cold-Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout by PA Fish and Boat Commission. Latitude: 41° 35' 42", Longitude: -76° 26' 58".

Contact: James Cassidy, Senior Civil Engineer, 570-855-9764.

E6004223-002. Lewisburg Borough, 55 South Fifth Street, Lewisburg, PA 17837, Lewisburg Borough, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 10, 2023.

Lewisburg Borough is proposing to complete renovations to the existing Piers Art Park located in Lewisburg, PA. The proposed Limits of Disturbance (LOD) area for the project is 3.82 acres. Construction of this project will entail cut and fill grading operations within the FEMA delineated floodway and 100-year floodplain for Limestone Run (WWF, MF) as well as a modification/replacement of an existing stormwater outfall. The cut and fill operations will result in a net increase of approximately 4,500 cubic yards of floodway capacity and floodplain storage. Latitude: 40.9634°, Longitude: -76.8889°.

E4104223-007. Jersey Shore Borough, 232 Smith Street, Jersey Shore, PA 17740, Jersey Shore Borough, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 25, 2023.

Jersey Shore Borough is proposing to complete renovations to the existing Thompson Street Park. The proposed Limits of Disturbance (LOD) area for the project is 2.88 acres. Construction of this project will entail cut and fill

grading operations within the FEMA 100-year floodplain for UNT to West Branch Susquehanna River (Lawshe. Pfouts Run) (WWF, MF). Latitude: 41.2020°, Longitude: -77.2602°.

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.

E6402223-003. Wayne County Commissioners, 925 Court Street, Honesdale, PA 18431, Honesdale Borough, **Wayne County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 8, 2023.

To construct and maintain a river access gravel drive, a precast boat launch ramp, a concrete trail for access to and along the waters edge, ADA parking accommodations, various park amenities, a composting restroom, and necessary railing and an access staircase within the FEMA floodway of the Lackawaxen River (HQ-TSF, MF). The project is located in Honesdale Borough, Wayne County, PA, Quadrangle: Latitude: 41° 34' 38.4", Longitude: -75° 15' 15".

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E1606223-001. Margaret and Davis Lewis, 700 Kiser Wagner Road, Shippenville, PA 16254, Highland Township, **Clarion County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 6, 2023.

The applicant proposes to impact 0.06 acre of Palustrine Emergent Wetland for the construction of an access road within a right of way to access land locked property owned by the applicant. The applicant will

mitigate for onsite wetland impact by a combination of onsite mitigation and payment into the PIECES Fund. The project is located at the south end of Sarvey Mill Road approximately 1.1 mile south of the intersection with Miola Road. Latitude: 41.277434°, Longitude: -79.305687°.

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

Contact: RA-EPSW-OGSUBMISSION@pa.gov, 412-442-4281.

E6507223-004. CNX Midstream Operating Company, LLC, 1000 Horizon Vue Drive, Suite 1200, Canonsburg, PA 15317, Bell Township, Loyalhanna Township, Salem Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 21, 2023.

Latitude: 40.467039°, Longitude: -79.541247°. Sub-Basin 18B (Kiskiminetas River), Quadrangle: Slickville and Vandergrift, PA (40.467039, -79.541247).

The applicant is proposing to install, operate, and maintain two 13.9-mile-long, 24-inch-diameter steel natural gas pipelines and one approximately 3.9-mile-long, 20-inch-diameter high-density polyethylene (HDPE) permanent waterline. The proposed pipeline project will encroach on twenty-five (25) streams and thirty-nine (39) wetlands in Bell, Loyalhanna, and Salem Township, Westmoreland County. Fourteen (14) of the wetlands impacted by this project were considered exceptional value (EV). The project will temporarily impact 434 LF of stream, 1.551 acres of floodway, and 0.245 acre of palustrine emergent (PEM) wetland. The project will permanently impact 1,708 LF of stream, 4,037 acres of floodway; and 0.502 acre palustrine emergent (PEM), 0.005 acre of palustrine scrub-shrub (PSS) and 0.015 acre of palustrine forested (PFO) wetland.

<i>Resource Name</i>	<i>Aquatic Resource Type</i>	<i>Activity</i>	<i>Chapter 93 Designation</i>	<i>Latitude/ Longitude</i>	<i>Impact Area Temp. (LF)</i>	<i>Impact Area Perm. (LF)</i>	<i>Impact Area Temp. (Ac)</i>	<i>Impact Area Perm. (Ac)</i>
UNT 1 to Trib 42946 to Beaver Run	Perennial	Excavation/ Timber Mat	TSF	40.533619, -79.542261	12	77	0.040	0.15
UNT 2 to Trib 42946 to Beaver Run	Intermittent	Excavation/ Timber Mat	TSF	40.532820, -79.541794	13	68	0.027	0.163
Wetland 39A	PEM	Excavation/ Timber Mat	EV	40.532820, -79.541794	-	-	0.006	0.008
Trib 42946 to Beaver Run	Perennial	Excavation/ Timber Mat	TSF	40.528356, -79.543446	12	64	0.025	0.198
UNT 3 to Trib 42946 to Beaver Run	Floodway	Access	TSF	40.528356, -79.543446	-	-	0.020	-
Wetland 38C	PEM	Access	EV	40.525019, -79.529572	-	-	0.001	-
UNT 4 to Trib 42946 to Beaver Run	Intermittent	Excavation/ Timber Mat	TSF	40.524932, -79.529294	14	30	0.032	0.068
Wetland 38B	PEM	Excavation/ Timber Mat	EV	40.524966, -79.529125	-	-	0.002	0.003
Wetland 38A	PEM	Excavation/ Timber Mat	EV	40.524729, -79.529073	-	-	0.009	0.061

<i>Resource Name</i>	<i>Aquatic Resource Type</i>	<i>Activity</i>	<i>Chapter 93 Designation</i>	<i>Latitude / Longitude</i>	<i>Impact Area Temp. (LF)</i>	<i>Impact Area Perm. (LF)</i>	<i>Impact Area Temp. (Ac)</i>	<i>Impact Area Perm. (Ac)</i>
UNT 3 to Trib 43086 to Wolford Run	Floodway	Access	WWF	40.521433, -79.528854	-	-	0.001	-
UNT 4 to Trib 43086 to Wolford Run	Floodway	Access	WWF	40.521433, -79.528854	-	-	0.001	-
Wetland 52A	PEM	Timber Mat	Other	40.509910, -79.527453	-	-	0.004	-
Trib 42951 to Beaver Run	Perennial	Excavation/ Timber Mat	TSF	40.507687, -79.527537	14	68	0.030	0.149
UNT 1 to Trib 42951 to Beaver Run	Floodway	Access	TSF	40.507687, -79.527537	-	-	0.021	-
Wetland 34A	PEM	Excavation/ Access	EV	40.506272, -79.524024	-	-	0.017	0.017
UNT 2 to Trib 42952 to Beaver Run	Intermittent	Excavation/ Timber Mat	TSF	40.506263, -79.524020	13	16	0.020	0.020
UNT 1 to Trib 42952 to Beaver Run	Intermittent	Excavation/ Timber Mat	TSF	40.506187, -79.523907	13	66	0.022	0.128
Wetland 34C	PEM	Access	Other	40.505905, -79.523638	-	-	0.005	-
Wetland 38B	PEM	Timber Mat	Other	40.501891, -79.519618	-	-	0.002	-
Trib 43089 to Wolford Run	Perennial	Excavation/ Timber Mat	WWF	40.500687, -79.518342	15	65	0.035	0.147
Wetland 31B	PSS	Excavation/ Access	Other	40.500687, -79.518342	-	-	-	0.005
Trib 43089 to Wolford Run	Perennial	Excavation/ Timber Mat	WWF	40.496895, -79.518828	12	70	0.025	0.160
Trib 43099 to Wolford Run	Perennial	Excavation/ Timber Mat	WWF	40.493469, -79.522740	14	120	0.031	0.200
Wetland 49B	PEM	Excavation/ Timber Mat	Other	40.493469, -79.522740	-	-	0.005	0.003
Wetland 49A	PEM	Excavation/ Timber Mat	Other	40.493380, -79.522871	-	-	0.002	0.038
Trib 43101 to Wolford Run	Perennial	Excavation/ Timber Mat	WWF	40.490466, -79.523046	12	67	0.026	0.162
Wetland 48D	PEM	Access	Other	40.490466, -79.523046	-	-	-	0.007
Wetland 48A	PEM	Timber Mat	Other	40.490466, -79.523046	-	-	0.001	0.001
UNT 2 to Trib 43101 to Wolford Run	Floodway	Rock Construction Entrance	WWF	40.486121, -79.523647	-	-	0.010	-
UNT 2 to Trib 43101 to Wolford Run	Floodway	Excavation/ Access	WWF	40.485844, -79.523708	-	-	0.033	0.033
UNT 3 to Trib 43101 to Wolford Run	Floodway	Access	WWF	40.485844, -79.523708	-	-	0.010	0.010
Wetland 29	PEM	Timber Mat	Other	40.483847, -79.526753	-	-	0.002	-

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<i>Resource Name</i>	<i>Aquatic Resource Type</i>	<i>Activity</i>	<i>Chapter 93 Designation</i>	<i>Latitude / Longitude</i>	<i>Impact Area Temp. (LF)</i>	<i>Impact Area Perm. (LF)</i>	<i>Impact Area Temp. (Ac)</i>	<i>Impact Area Perm. (Ac)</i>
Wetland 28B	PEM	Excavation/ Access	Other	40.481977, -79.527294	-	-	-	0.006
Wetland 28A	PEM	Timber Mat	Other	40.481931, -79.527397	-	-	0.004	-
Wetland 26A	PEM	Excavation/ Timber Mat	Other	40.473084, -79.530862	-	-	0.010	0.075
Wetland 26B	PEM	Timber Mat	Other	40.472193, -79.530252	-	-	0.032	-
Wetland 53	PEM	Timber Mat	Other	40.472760, -79.530252	-	-	0.007	-
UNT 1 to Trib 42994 to Beaver Run	Intermittent	Excavation/ Timber Mat	HQ-CWF	40.469465, -79.537871	14	67	0.036	0.160
Trib 42994 to Beaver Run	Perennial	Excavation/ Access	HQ-CWF	40.466311, -79.541046	12	67	0.066	0.193
Wetland 45F	PEM	Excavation/ Access	EV	40.466311, -79.541046	-	-	0.003	0.011
Wetland 45A	PEM	Excavation/ Access	EV	40.466311, -79.541046	-	-	0.003	0.019
Wetland 43	PEM	Timber Mat	Other	40.460442, -79.545910	-	-	0.016	-
Trib 42996 to Beaver Run	Perennial	Excavation/ Timber Mat/ Stabilization	HQ-CWF	40.458430, -79.544728	12	63	0.027	0.195
Wetland 2	PEM	Timber Mat	Other	40.453722, -79.539614	-	-	0.003	-
Trib 42997 to Beaver Run	Perennial	Excavation/ Access	HQ-CWF	40.453134, -79.539421	14	62	0.038	0.124
Trib 42999 to Beaver Run	Perennial	Excavation/ Access	HQ-CWF	40.450000, -79.535341	12	65	0.028	0.148
Wetland 21A	PEM	Access	EV	40.450000, -79.535341	-	-	0.003	-
Trib 42999 to Beaver Run	Intermittent	Access	HQ-CWF	40.451392, -79.531317	33	-	0.202	-
Wetland 54	PEM	Timber Mat	Other	40.449650, -79.534066	-	-	0.006	-
Porters Run	Perennial	Excavation/ Access/ Stabalization	HQ-CWF	40.440882, -79.531853	14	79	0.060	0.165
UNT 1 to Porters Run	Floodway	Access	HQ-CWF	40.439969, -79.532577	-	-	0.173	-
Wetland 18A	PEM	Excavation/ Timber Mat	HQ-CWF	40.439518, -79.532558	-	-	0.004	0.001
Wetland 17	PEM	Timber Mat	Other	40.430119, -79.541454	-	-	0.001	-
Trib 43013 to Beaver Run	Perennial	Excavation/ Timber Mat	HQ-CWF	40.426301, -79.543902	12	63	0.038	0.175
Wetland 47A	PEM	Excavation/ Timber Mat	Other	40.424567, -79.543466	-	-	0.008	-
Wetland 47E	PEM	Excavation/ Timber Mat	Other	40.424330, -79.543346	-	-	0.008	0.006
UNT 1 to Trib 43013 to Beaver Run	Intermittent	Access	HQ-CWF	40.421672, -79.548259	13	-	0.033	-

<i>Resource Name</i>	<i>Aquatic Resource Type</i>	<i>Activity</i>	<i>Chapter 93 Designation</i>	<i>Latitude / Longitude</i>	<i>Impact Area Temp. (LF)</i>	<i>Impact Area Perm. (LF)</i>	<i>Impact Area Temp. (Ac)</i>	<i>Impact Area Perm. (Ac)</i>
Wetland 12	PEM	Timber Mat	Other	40.420546, -79.543085	-	-	0.004	0.002
Trib 43023 to Beaver Run	Perennial	Excavation/ Access/ Stabalization	HQ-CWF	40.411706, -79.537722	12	69	0.175	0.253
UNT 1 to Trib 43023 to Beaver Run	Floodway	Access	HQ-CWF	40.411706, -79.537722	-	-	0.001	-
Trib 43021 to Beaver Run	Perennial	Excavation/ Timber Mat	HQ-CWF	40.410494, -79.537781	13	67	0.026	0.152
Wetland 10E	PEM	Excavation/ Timber Mat	Other	40.407397, -79.537440	-	-	0.003	0.003
Wetland 10D	PEM	Excavation/ Timber Mat	Other	40.406975, -79.537312	-	-	0.002	0.002
Wetland 10A	PEM	Excavation/ Timber Mat	EV	40.406580, -79.537516	-	-	0.046	0.205
Wetland 10A	PEM	Excavation/ Timber Mat	EV	40.406273, -79.537788	-	-	0.006	0.006
Wetland 10A	PEM	Timber Mat	EV	40.405865, -79.538444	-	-	0.003	-
Trib 43030 to Beaver Run	Intermittent	Excavation/ Timber Mat	HQ-CWF	40.405656, -79.538322	11	48	0.014	0.120
Wetland 10C	PEM	Excavation/ Map	EV	40.405656, -79.538322	-	-	0.004	0.014
UNT 1 to Trib 43030 to Beaver Run	Intermittent	Culvert Replacement/ Access	HQ-CWF	40.401463, -79.538493	14	30	0.055	0.067
UNT 1 to Trib 43030 to Beaver Run	Intermittent	Excavation/ Culvert	HQ-WWF	40.402513, -79.540769	78	78	0.006	0.179
Wetland 9	PEM	Excavation/ Timber Mat	Other	40.402269, -79.541126	-	-	0.003	0.009
Wetland 8C	PEM	Timber Mat	Other	40.394457, -79.545669	-	-	0.008	-
Wetland 8B	PEM	Timber Mat	Other	40.394452, -79.545897	-	-	0.002	-
UNT 1 to Trib 43031 to Beaver Run	Perennial	Excavation/ Timber Mat	HQ-CWF	40.395572, -79.546645	12	62	0.026	0.145
Trib 43031 to Beaver Run	Perennial	Excavation/ Timber Mat/ Stabilization	HQ-CWF	40.39388, -79.549497	14	75	0.028	0.145
Wetland 7B	PEM	Excavation/ Stabilization	EV	40.39388, -79.549497	-	-	0.001	0.005
Wetland 7C	PFO	Excavation/ Timber Mat	EV	40.39388, -79.549497	-	-	0.001	0.015
Trib 43034 to Beaver Run	Perennial	Excavation/ Access	HQ-CWF	40.387707, -79.549429	-	102	0.023	.207
UNT 2 to Trib 43034 to Beaver Run	Floodway	Access	HQ-CWF	40.387390, -79.549740	-	-	0.061	-
UNT 1 to Trib 43034 to Beaver Run	Floodway	Culvert Replacement/ Access	HQ-CWF	40.386832, -79.547551	-	-	0.025	0.019

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

EA6703223-002. Watershed Alliance of York, 2401 Pleasant Valley Road, York, PA 17402, Spring Garden Township, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 19, 2023.

To conduct a stream restoration project along a UNT Tributary to South Branch Codorus Creek (WWF, MF) including 1.) the construction and maintenance of 2,200 feet of bankfull benches (left and right banks); and 2.) the installation and maintenance of eleven log grade control structures, all for the purpose of reducing sediment loading to the stream. The project is located near the intersection of Indian Rock Dam Road and Croll Scholl Road (Latitude: 39.92011°N; Longitude: 76.74393°W) in Spring Garden Township, York County. No wetlands will be impacted by this project. Latitude: 39.92011°, Longitude: -76.4393°.

DAM SAFETY

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.

Contact: Curtis Brown, Chief, Eastern Section, 717-783-7917.

D15-301. Chester County Water Authority, P.O. Box 2747, 601 Westtown Road, West Chester, PA 19380, East Brandywine Township, **Chester County**. The project is to modify, operate and maintain Beaver Creek Dam (PA-433) across Beaver Creek (CWF, MF) having no environmental impacts, for the purpose of complying with the commonwealth regulations, Latitude: 40.030278°, Longitude: -75.782778°. Application received: October 7, 2021.

Contact: Josh Fair, Water Program Specialist, 717-772-5988.

D35-001EA. Gary Gimbert, Natural Lands Trust, 1031 Palmer Mill Road, Media, PA 19063, Glenburn Township, **Lackawanna County**. The Department has reviewed and approved the plans, submitted on April 14, 2023, to breach the Glenburn Dam to eliminate a threat to public safety and to restore approximately 2,300 feet of stream channel to a free-flowing condition. Approximately 2.5 feet of the vertical extent of the dam will remain intact to sequester sediment impounded by the dam. Some sediment will be removed to prevent downstream sediment migration. The stream bed will be gradually ramped to the new top-of-dam elevation to provide fish passage. The project is located across Ackerly Creek (TSF, MF) (Dalton, PA Quadrangle, Latitude: 41.5190, Longitude: 75.7278). Application received: April 14, 2023. The project was approved on October 27, 2023.

ACTIONS**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPUBLICNOTICE.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dept. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dept of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD310014	Chapter 102 Individual NPDES Permit	Issued	Frankhouser Brandon 12878 Weiler Road Petersburg, PA 16669-2508	Jackson Township Huntingdon County	SCRO
PAD450138	Chapter 102 Individual NPDES Permit	Issued	Arrowhead Lake Comm Association 961 Arrowhead Drive Pocono Lake, PA 18347-7856	Coolbaugh Township and Tobyhanna Township Monroe County	NERO
PAD480035	Chapter 102 Individual NPDES Permit	Issued	Easton Suburban Water Authority P.O. Box 3819 Easton, PA 18043-3819	Lower Nazareth Township Northampton County	NERO
PAD630033	Chapter 102 Individual NPDES Permit	Issued	Metz Development Inc. 524 Waterdam Road McMurray, PA 15317-2742	North Strabane Township Washington County	SWRO
PAD650039	Chapter 102 Individual NPDES Permit	Issued	Murrysville Borough 4100 Sardis Road Murrysville, PA 15668-1120	Murrysville Borough Westmoreland County	SWRO
PABIS4821	Individual Site Permit for Beneficial Use of Biosolids by Land Application	Issued	Leslies Septic Service P.O. Box 211 Galeton, PA 16922-0211	Pike Township Potter County	NCRO
PABIS4824	Individual Site Permit for Beneficial Use of Biosolids by Land Application	Issued	Leslies Septic Service P.O. Box 211 Galeton, PA 16922-0211	Clymer Township Tioga County	NCRO
PA0264113	Industrial Stormwater Individual NPDES Permit	Issued	Tresco Concrete Products Inc. Joint Client 415 Unity Center Road Pittsburgh, PA 15239-3409	Salem Township Westmoreland County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2123806	Joint DEP/PFBC Pesticides Permit	Issued	Bella Vista HOA 6 Bella Vista Drive Mechanicsburg, PA 17050-1879	Silver Spring Township Cumberland County	SCRO
2223805	Joint DEP/PFBC Pesticides Permit	Issued	Blue Ridge Sportsmans Club P.O. Box 6282 Harrisburg, PA 17112-0282	West Hanover Township Dauphin County	SCRO
3621805	Joint DEP/PFBC Pesticides Permit	Issued	Highland Tank & Manufacturing Co. 4535 Elizabethtown Road Manheim, PA 17545-8367	Rapho Township Lancaster County	SCRO
3623811	Joint DEP/PFBC Pesticides Permit	Issued	Keystone Lawn Company 1151 Four Star Drive Mount Joy, PA 17552-8884	Mount Joy Township Lancaster County	SCRO
3611201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Noah W Kreider & Sons 1461 Lancaster Road Manheim, PA 17545-9768	Mount Joy Township Lancaster County	SCRO
PA0003832	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Ineos Composites US LLC 5220 Blazer Parkway Dublin, OH 43017-3494	Neville Township Allegheny County	SWRO
PA0080268	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Ward Realty Ventures Regency LLC 577 S Front Street Harrisburg, PA 17104-1660	Middlesex Township Cumberland County	SCRO
PA0115100	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Tioga MHC LLC 35 Calais Road Randolph, NJ 07869-3531	Lawrence Township Tioga County	NCRO
PA0033766	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Jefferson Township Berks County	SCRO
PA0064033	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Pusti Margiya Vashnav Samaj of North American 15 Manor Road Schuylkill Haven, PA 17972-9067	Wayne Township Schuylkill County	NERO
PA0093360	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Lake Arthur Estates LLC 2925 New Castle Road Portersville, PA 16051-1223	Muddycreek Township Butler County	NWRO
PA0228346	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Huston Township Municipal Authority 11837 Bennetts Valley Highway Penfield, PA 15849-5433	Huston Township Clearfield County	NCRO
0602411	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Jefferson Township Berks County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5899401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Monteforte Enterprises 1491 Oliver Road New Milford, PA 18834-7516	New Milford Township Susquehanna County	NERO
NOEXNC115	No Exposure Certification	Issued	Bimbo Bakeries USA 901 N Elmer Avenue Sayre, PA 18840-1835	Sayre Borough Bradford County	NCRO
NOEXNC118	No Exposure Certification	Issued	Bimbo Bakeries USA 500 Hanover Street Northumberland, PA 17857-1008	Northumberland Borough Northumberland County	NCRO
NOEXNE053	No Exposure Certification	Issued	Tower Products LLC 2703 Freemansburg Avenue Easton, PA 18045-6090	Palmer Township Northampton County	NERO
NOEXSC002	No Exposure Certification	Issued	FCI USA LLC 825 Old Trail Road Etters, PA 17319-9392	Newberry Township York County	SCRO
NOEXSC170	No Exposure Certification	Issued	601 Memory Ln Owner LLC 4 Radnor Corporate Center Radnor, PA 19087-4525	Springettsbury Township York County	SCRO
NOEXSC190	No Exposure Certification	Issued	Gate 7 LLC 1098 Armada Drive Greencastle, PA 17225-1618	Antrim Township Franklin County	SCRO
NOEXSC268	No Exposure Certification	Issued	Brentwood Ind Inc. 500 Spring Ridge Drive Reading, PA 19610-1069	Reading City Berks County	SCRO
PAG030225	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	CSX Intermodal Inc. 550 Water Street # J275 Jacksonville, FL 32202-5177	Philadelphia City Philadelphia County	SERO
PAG032264	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	ACE Robbins Inc. 4022 SR 6 Tunkhannock, PA 18657-7840	Tunkhannock Township Wyoming County	NERO
PAG032315	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	MI Windows & Doors LLC 1010 54th Avenue E Tacoma, WA 98424-2731	Hegins Township Schuylkill County	NERO
PAG032400	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Jeld Wen Inc. 1162 Keystone Boulevard Pottsville, PA 17901	Cass Township Schuylkill County	NERO
PAG032412	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Highway Materials Inc. 409 Stenton Avenue Flourtown, PA 19031-1327	Upper Nazareth Township Northampton County	NERO
PAG033546	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	World Energy Harrisburg LLC 2850 Appleton Street Suite E Camp Hill, PA 17011-8036	Lower Allen Township Cumberland County	SCRO
PAG033675	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sunoco Pipeline LP 100 Green Street Marcus Hook, PA 19061-4800	Spring Township Berks County	SCRO
PAG033725	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Wenger Feeds LLC 101 West Harrisburg Avenue P.O. Box 26 Rheems, PA 17570-0026	Mount Joy Borough Lancaster County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033796	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	WR Grace & Co. Conn d/b/a 2858 Back Vail Road Tyrone, PA 16686-8100	Tyrone Borough Blair County	SCRO
PAG033850	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cenveo Worldwide Ltd 785 Juniata River Road Williamsburg, PA 16693	Williamsburg Borough Blair County	SCRO
PAG033940	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Allegheny Township Blair County	SCRO
PAG033941	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	UPS Cartage Service Inc. 12380 Morris Road Alpharetta, GA 30005-4616	Lower Swatara Township Dauphin County	SCRO
PAG034972	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fisher Mining Company Processing Plant 40 Choate Circle Montoursville, PA 17754-9791	Williamsport City Lycoming County	NCRO
PAG034978	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Central Bldr Supply Co. P.O. Box 152 Sunbury, PA 17801-0152	Coal Township Northumberland County	NCRO
PAG036164	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sippel Co. Inc. d/b/a Sippel Steel Fab 21 Century Drive Ambridge, PA 15003-2543	Ambridge Borough Beaver County	SWRO
PAG036224	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Christmann Enterprises LLC 401 Rose Drive Cranberry Twp, PA 16066-6913	Franklin Township Beaver County	SWRO
PAG036317	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Heidelberg Materials Ne LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Economy Borough Beaver County	SWRO
PAG036357	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hoyles Auto Salvage Inc. 483 Clarksville Road Clarksville, PA 15322-7399	Jefferson Township Greene County	SWRO
PAG036389	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Dura Bond Coating Inc. P.O. Box 518 Export, PA 15632-0518	Liberty Borough Allegheny County	SWRO
PAG036397	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hitachi Energy USA Inc. 100 Distribution Circle Mt Pleasant, PA 15666-1044	East Huntingdon Township Westmoreland County	SWRO
PAG036438	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Eurovia Atlantic Coast LLC d/b/a Northeast Paving 290 Bilmar Drive Pittsburgh, PA 15205	McKees Rocks Borough Allegheny County	SWRO
PAG036440	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ind Recovery Service LLC P.O. Box 68 Uniontown, PA 15401-0068	Connellsville City Fayette County	SWRO
PAG036473	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Golden Eagle Const Co. P.O. Box 945 Uniontown, PA 15401-0945	North Union Township Fayette County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036510	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mallet & Co. Inc. 1 N Bell Avenue Carnegie, PA 15106-1847	Carnegie Borough Allegheny County	SWRO
PAG036563	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	New Stanton Borough Westmoreland County	SWRO
PAG038475	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Commodore Homes LLC 4 Pennwest Way Emlenton, PA 16373	Allegheny Township Butler County	NWRO
PAG042234	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Coterra Energy Inc. 8279 State Route 29 Montrose, PA 18801-9376	Dimock Township Susquehanna County	NERO
PAG096117	PAG-09 General Permit for Beneficial Use of Residential Septage	Issued	Melenzyer Kirk 528 Center Avenue Charleroi, PA 15022-2212	Fallowfield Township Washington County	SWRO
PAG123757	PAG-12 NPDES General Permit for CAFOs	Issued	Noah W Kreider & Sons 1461 Lancaster Road Manheim, PA 17545-9768	Mount Joy Township Lancaster County	SCRO
PAG136185	PAG-13 NPDES General Permit for MS4s	Waived	Dravosburg Borough 226 Maple Avenue Dravosburg, PA 15034-1222	Dravosburg Borough Allegheny County	SWRO
PAG136190	PAG-13 NPDES General Permit for MS4s	Waived	Chalfant Borough 144 Lynwood Avenue East Pittsburgh, PA 15112	Chalfant Borough Allegheny County	SWRO
PAG136192	PAG-13 NPDES General Permit for MS4s	Waived	Liberty Borough 2921 Liberty Way McKeesport, PA 15133-2717	Liberty Borough Allegheny County	SWRO
PAG136199	PAG-13 NPDES General Permit for MS4s	Waived	Homestead Borough 221 E 7th Avenue Homestead, PA 15120-1511	Homestead Borough Allegheny County	SWRO
PAG136259	PAG-13 NPDES General Permit for MS4s	Waived	Aspinwall Borough 217 Commercial Avenue Pittsburgh, PA 15215-3024	Aspinwall Borough Allegheny County	SWRO
0601405	Pump Stations Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Jefferson Township Berks County	SCRO
0603401	Pump Stations Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Jefferson Township Berks County	SCRO
0694411	Pump Stations Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Jefferson Township Berks County	SCRO
1523404	Pump Stations Individual WQM Permit	Issued	East Whiteland Township 209 Conestoga Road Frazer, PA 19355-1633	East Whiteland Township Chester County	SERO
0669403	Sewer Extensions Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Jefferson Township Berks County	SCRO
PA0233439	Single Residence STP Individual NPDES Permit	Issued	Kula-Wright Kristina R 12866 Wallis Run Road Trout Run, PA 17771-8523	Plunketts Creek Township Lycoming County	NCRO
PA0295248	Single Residence STP Individual NPDES Permit	Issued	Call Colleen M 306 Kline Lane Tionesta, PA 16353-6526	Washington Township Clarion County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0295264	Single Residence STP Individual NPDES Permit	Issued	Czachowski Michael 475 Stanford Road Prospect, PA 16052-2715	Muddycreek Township Butler County	NWRO
1023412	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Czachowski Michael 475 Stanford Road Prospect, PA 16052-2715	Muddycreek Township Butler County	NWRO
1623402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Call Colleen M 306 Kline Lane Tionesta, PA 16353-6526	Washington Township Clarion County	NWRO
2188407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Ward Realty Ventures Regency LLC 577 S Front Street Harrisburg, PA 17104-1660	Middlesex Township Cumberland County	SCRO
4123402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Kula-Wright Kristina R 12866 Wallis Run Road Trout Run, PA 17771-8523	Plunketts Creek Township Lycoming County	NCRO
PA0098477	Small Flow Treatment Facility Individual NPDES Permit	Issued	Highland Tank & Manufacturing Co. 1 Highland Road Stoystown, PA 15563-6456	Quemahoning Township Somerset County	SWRO
PA0244414	Small Flow Treatment Facility Individual NPDES Permit	Issued	Jaster Associates LLC 1730 Fairhill Road Sellersville, PA 18960	Bedminster Township Bucks County	SERO
WQG012228	WQG-01 WQM General Permit	Issued	Coterra Energy Inc. 8279 State Route 29 Montrose, PA 18801-9376	Dimock Township Susquehanna County	NERO

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>
PAC350167	PAG-02 General Permit	Issued	Greenwood Hose Company, Inc. 3727 Birney Avenue Suite # 41 Moosic, PA 18507	Moosic Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Rd. South Abington Township PA 18411 570-382-3086 RA-EPWW-NERO@ pa.gov
PAC400269	PAG-02 General Permit	Issued	Mary Hayden One Trinity Real Estate 908 Monaghan Drive Lutherville, MD 21093	West Hazleton Borough Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov
PAC250191	PAG-02 General Permit	Issued	Erie Cemetery Association 2116 Chestnut Street Erie, PA 16502	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC610026	PAG-02 General Permit	Issued	Pennsylvania Fish and Boat Commission 595 East Rolling Ridge Drive Bellefonte, PA 16823	Richland Township Venango County	Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510296	PAG-02 General Permit	Issued	Saint Joseph's University 5700-30 City Avenue Philadelphia, PA 19131-1308	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC510314	PAG-02 General Permit	Issued	Philadelphia Parks and Recreation 1515 Arch Street 10th Floor Philadelphia, PA 109102	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC360862	PAG-02 General Permit	Issued	Curvin Zimmerman 84 Hickory Lane Ephrata, PA 17522	Earl Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360864	PAG-02 General Permit	Issued	CBD Group, Inc. 1770 Oregon Pike Lancaster, PA 17601	West Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC670660	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Hanover Borough and Conewago Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

**NUTRIENT MANAGEMENT PLAN
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Peach Glen Farms 367 Georgetown Road Gardners, PA 17324	Cumberland County	42	483.64	Swine/ Poultry	NA	Approved
Zugstead Farm, Inc. 558 Freed Road Mifflintown, PA 17059	Juniata County	1,160.7	1,930.00	Dairy	NA	Approved
Jurgielewicz Bethel— Lynn Farm 1301 Airport Road Bethel, PA 19507	Berks County	0	87.4	Finishing Ducks	NA	Approved
Jurgielewicz Hoover Farm 3051 Berne Road Hamburg, PA 19526	Berks County	0	133.01	Layer Ducks	NA	Approved
Neilson Farm 177 Seip Lane Shoemakersville, PA 19555	Berks County	0	104.19	Layer Ducks	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Construction/Operation Permit No. 6023502MA, Minor Amendment, Public Water Supply.

Applicant	West Buffalo Township Municipal Authority
Address	P.O. Box 237 Mifflinburg, PA 17844
Municipality	West Buffalo Township
County	Union County
Consulting Engineer	Raymond H Robbins 805 Johnstown Road Mifflinburg, PA 17844
Application Received	October 19, 2023
Permit Issued	October 26, 2023
Description	This permit grants permission to operate the existing Hardees Drive Interconnection with the Borough of Mifflinburg's public water system. In addition, the permit approves installation and operation of meter pits at all three of the Authority's Interconnections.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, Clerical Assistant 2, 570-830-3048.

Construction Permit No. 5423507-EP, Minor Amendment, Public Water Supply.

Applicant	Plum Creek Municipal Authority
Address	686 Berne Drive Auburn, PA 17922

Municipality Wayne Township
 County **Schuylkill County**
 Consulting Engineer Ms. Jamie Troxell Lorah, P.E.
 Manager
 Process and Design Engineering
 Spotts, Stevens and McCoy
 1047 North Park Drive
 Reading, PA 19610

Application Received October 4, 2023
 Permit Issued October 24, 2023
 Description The applicant requested a permit for the replacement of their Well No. 8's well pump with a Grundfos Model 85S150-13 pump with no increase in capacity or change to 4-Log requirements at their Plum Creek water system.

Contact: Ryan Fox, Env. Engineering Specialist, 570-826-2533.

Transfer Permit No. 2350014, Public Water Supply.

Applicant **Hillside Village, LLC**
 Address P.O. Box 229
 Bullville, NY 10915

Municipality Madison Township
 County **Lackawanna County**

Application Received June 12, 2023
 Permit Issued October 26, 2023
 Description PWS Permit Transfer to new owner, Hillside Village, LLC

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

Contact: Joseph Mattucci, Program Manager, 717-705-4931.

Construction Permit No. 0123503 MA, Minor Amendment, Public Water Supply.

Applicant **Arendtsville Borough**
 Address 1 Chestnut Street
 Arendtsville, PA 17303

Municipality Arendtsville Borough
 County **Adams County**

Consulting Engineer Craig Zack, P.E.
 143 Carlisle Street
 Gettysburg, PA 17325

Application Received August 3, 2023
 Permit Issued October 24, 2023
 Description This construction permit is for the recoating of and sanitary repairs to the 300,000-gallon water storage tank in the Arendtsville Borough water system.

Construction/Operation Permit No. 0623521 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Address 852 Wesley Drive
 Mechanicsburg, PA 17055

Municipality Ruscombmanor Township
 County **Berks County**
 Consulting Engineer Craig B. Darosh, P.E.
 920 Mountain Home Road
 Sinking Spring, PA 19608

Application Received September 11, 2023
 Permit Issued October 26, 2023
 Description Pennsylvania American Water Company (PAWC) proposes to replace the existing pre-chlorine contact and post-chlorine contact analyzer units with new Hach CL17sc colorimetric chlorine analyzers with a SC4500 digital controllers to improve system monitoring for free chlorine residual.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

NCWSA Construction Permit 7360530. PWSID No. **7360530**. **Linden Coffee, LLC**, 14 N Whisper Ln, New Holland, PA 17557, Leacock Township, **Lancaster County**. Application received: July 13, 2023. Permit Issued: October 12, 2023. This action authorizes the construction of a new transient non-community water system consisting of a well, pressure tank, cation exchange unit, two (2) cartridge filters, and ultraviolet light disinfection unit.

NCWSA Construction Permit 3061298. PWSID No. **3061298**. **JVI, LLC**, 1265 Miller Road, Wind Gap, PA 18091, Greenwich Township, **Berks County**. Application received: June 30, 2023. Permit Issued: October 11, 2023. An application for a new transient noncommunity water system was withdrawn on October 11, 2023.

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

Operation Permit 7010019. PWSID No. **7010019**. **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325, Cumberland Township, **Adams County**. Application received: October 4, 2023. Permit Issued: October 26, 2023. Installation of a filter-to-waste discharge pipe at the Marsh Creek WTP and composite sampling equipment for the filter-to-waste effluent flow.

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

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

Operation Permit 6522508. PWSID No. **6560070**. **Municipal Authority of the City of New Kensington**, P.O. Box 577, 920 Barnes Street, New Kensington, PA 15068, City of New Kensington, **Westmoreland County**. Application received: October 5, 2023. Permit Issued: October 20, 2023. Rehabilitated Filter No. 1 (new filter media and concrete repair), new Filters No. 19 and 20, and new turbidimeters at the H. Burns Smith Water Treatment Plant.

**BIOSOLIDS INDIVIDUAL PERMITS
(PABIG, SSN AND PABIS)**

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

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

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

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

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

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 Runnville Rd., Bellefonte, PA 16823, Walker Township, **Centre County**. Wade Robbins, 306 Runnville Road, Bellefonte, PA 16823. Application received: January 20, 2023. Issued: October 25, 2023.

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.

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**. Application received: July 7, 2023. Issued: October 25, 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 Township, **Tioga County**. Application received: July 7, 2023. Issued: October 25, 2023.

**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.

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.

Former BP Terminal No. 4574, Primary Facility ID # **754041**, 901 Mountain Home Road, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Antea Group, 535 Route 38, Suite 203, Cherry Hill, NJ 08002,

on behalf of BP Remediation Management, 201 Helios Way, 6th Floor, Houston, TX 77079, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil and groundwater contaminated with COCs. The Report demonstrated attainment of the site-specific standards. Approved: October 27, 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.

Oil Recovery Corporation, 138 Palmer Avenue, West Springfield, MA 01089. **License No. PA-AH 0942.** Application received: July 17, 2023. Effective October 12, 2023.

Superior Environmental Services, Inc., 9996 Joseph James Drive, Cincinnati, OH 45246. **License No. PA-AH 0943.** Application received: September 6, 2023. Effective October 24, 2023.

SES-R1 LLC dba Resource One, 9996 Joseph James Drive, Cincinnati, OH 45246. **License No. PA-AH 0944.** Application received: September 11, 2023. Effective October 24, 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.

RSO, Inc., P.O. Box 1450, Laurel, MD 20725. **License No. PA-AH 0578.** Application received: September 25, 2023. Effective October 25, 2023.

Emerald Environmental Services, Inc., 1621 St. Clair Avenue, Kent, OH 44240. **License No. PA-AH 0641.** Application received: August 10, 2023. Effective October 10, 2023.

Turn-Key Environmental Services, Inc., P.O. Box 519, Blairstown, NJ 07825. **License No. PA-AH 0738.** Application received: October 25, 2023. Effective October 25, 2023.

Goulet Trucking, Inc., P.O. Box 259, South Deerfield, MA 01373. **License No. PA-AH 0768.** Application received: August 28, 2023. Effective October 25, 2023.

Action Trucking Co., Inc., 3010 Burns Avenue, Wantagh, NY 11793. **License No. PA-AH 0826.** Application received: September 18, 2023. Effective October 24, 2023.

Specialty Disposal Services, Inc., 115 Route 46 West, Mountain Lakes, NJ 07046. **License No. PA-AH 0852.** Application received: August 23, 2023. Effective October 10, 2023.

ERG Environmental Services, 13040 Merriman Road, Livonia, MI 48150. **License No. PA-AH 0914.** Application received: October 4, 2023. Effective October 10, 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.

Clean Harbors Environmental Services, Inc., 42 Longwater Dr., Norwell, MA 02061. **License No. PA-HC 0053.** Received on October 11, 2023. Effective October 25, 2023.

University of Pittsburgh of The Commonwealth System of Higher Education, Jerome Cochran Public Safety Building, 4th Floor, Pittsburgh, PA 15260. **License No. PA-HC 0183.** Received on September 18, 2023. Effective October 17, 2023.

R. Mor Enterprises Inc., d/b/a NJ Medical Waste, P.O. Box 6595, East Brunswick, NJ 08816. **License No. PA-HC 0246.** Received on August 14, 2023. Effective October 17, 2023.

Moran Environmental Recovery LLC, 75D York Ave, Randolph, MA 02368. **License No. PA-HC 0250.** Received on October 11, 2023. Effective October 11, 2023.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Waste Management Program Manager.

WMGR123SW024. Mon River Dock Company, P.O. Box 400, Laughlintown, PA 15655, East Bethlehem Township, Washington County. At the request of the Permittee, General Permit No. WMGR123SW024, issued on October 16, 2017 and renewed on January 4, 2021 for the processing, transfer and beneficial use of oil and gas liquid waste at the Karen Dock Oil and Gas Liquid Waste Processing Facility intended to be located at 810 Lowhill Road, Brownsville, PA 15417, East Bethlehem Township, Washington County, is revoked. The facility was never constructed nor operated; therefore, the Department is releasing \$1,797,649 in financial assurance associated with the revoked permit. Application received: September 5, 2023. Revoked: October 20, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGR123SW032. EQT Production Company, 400 Woodcliff Drive, Canonsburg, PA 15317, Carroll Township, **Washington County**. A Determination of Applicability under General Permit No. WMGR123SW032 was issued on April 18, 2019 and renewed on January 4, 2021 for the processing, transfer and beneficial use of oil and gas liquid waste at the Haywood Tank Pad Facility located at 257 Cracker Jack Road, Monongahela, PA 15063. The permittee notified the Department of closure of the facility and requested their bond in the amount of \$610,999 be released. The Department revoked the permit and approved of the bond release. Application received: September 13, 2023. Revoked: October 23, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGR123SW038. EQT Production Company, 400 Woodcliff Drive, Canonsburg, PA 15317, Morgan Township, **Greene County**. A Determination of Applicability under General Permit No. WMGR123SW038 was issued on May 12, 2020 and renewed on January 4, 2021 for the processing, transfer and beneficial use of oil and gas liquid waste at the Christen Aboveground Storage Tank Facility located at State Route 1009, Jefferson, PA 15344. The permittee notified the Department of closure of the facility and requested their bond in the amount of \$796,154 be released. The Department revoked the permit and approved of the bond release. Application received: September 13, 2023. Revoked: October 23, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGR123SW040. EQT Production Company, 400 Woodcliff Drive, Canonsburg, PA 15317, Center Township, **Greene County**. A Determination of Applicability under General Permit No. WMGR123SW040 was issued on May 12, 2020 and renewed on January 4, 2021 for the processing, transfer and beneficial use of oil and gas liquid waste at the Magnum Aboveground Storage Tank Facility located at Maple Run Road, Waynesburg, PA 15370. The permittee notified the Department of closure of the facility and requested their bond in the amount of \$527,398 be released. The Department revoked the permit and approved of the bond release. Application received: September 26, 2023. Revoked: October 23, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGR123SW044. EQT Production Company, 400 Woodcliff Drive, Canonsburg, PA 15317, North Bethlehem Township, **Washington County**. A Determination of Applicability under General Permit WMGR123SW044 was

issued on November 02, 2020 and renewed on January 4, 2021 for the processing, transfer and beneficial use of oil and gas liquid waste at the Fowler Aboveground Storage Tank Pad located at 474 Little Daniels Run Road, Scenery Hill, PA 15360. The permittee notified the Department of closure of the facility and requested their bond in the amount of \$450,941 be released. The Department revoked the permit and approved of the bond release. Application received: September 13, 2023. Revoked: October 23, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGR123SW048. EQT Production Company, 400 Woodcliff Drive, Canonsburg, PA 15317, Aleppo Township, **Greene County**. A Determination of Applicability under General Permit No. WMGR123SW048 was issued on October 20, 2021 for the processing, transfer and beneficial use of oil and gas liquid waste at the Glass Joe Aboveground Storage Tank Facility located at 683 Greene Valley Road, Aleppo, PA 15310. The permittee notified the Department of closure of the facility and requested their bond in the amount of \$483,018 be released. The Department revoked the permit and approved of the bond release. Application received: September 13, 2023. Revoked: October 23, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Mark Wejkszner, Air Quality Program Manager, 570-826-2528.

AG5A-58-00067A: SWN Production Company, LLC, P.O. Box 12359, Spring, TX 77391, Middletown Township, **Susquehanna County**. For the construction and operation of one (1) 1,380 BHP Caterpillar G3516B 4SLB natural gas-fired compressor engine controlled by an oxidation catalyst, and four (4) small heaters <5 MMBtu/hr each, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) located at WR-63 Knosky Pad. Application received: October 2, 2023. Issued: October 25, 2023.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

GP14-48-001: George G. Bensing Funeral Home, Inc., 2165 Community Drive, Village of Moorestown, Bath, PA 18014, Moore Township, **Northampton County**. GP14-48-001: George G. Bensing Funeral Home, Inc. (2165 Community Drive, Village of Moorestown, Bath, PA 18014) on October 25, 2023, for the operation of

a crematory controlled by after burner at the facility located in Moore Township, Northampton County. Application received: September 7, 2023. Issued: October 25, 2023.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

GP5-26-00544E/AG5-26-00003C: Chance Gas & Oil LLC, 416 Kirkland Road, Clymer, PA 15728, Dunbar Borough, **Fayette County**. On October 25, 2023, Chance Gas & Oil LLC (416 Kirkland Road, Clymer, PA 15728) was authorized to allow the continuation of the operation of previously installed sources which include one (1) G3306 NA Caterpillar, 4SRB, diesel engine, rated at 145 bhp, and one (1) produced water tank of 100 bbl capacity at their Conellsville Compressor Station located in Dunbar Township, Fayette County. Application received: October 19, 2023. Authorized: October 25, 2023.

GP5-65-00974E/AG5-65-00005B: Chance Gas & Oil LLC, 416 Kirkland Road, Clymer, PA 15728, Unity Township, **Westmoreland County**. On October 26, 2023, Chance Gas & Oil LLC (416 Kirkland Road, Clymer, PA 15728) was authorized to allow the continuation of the operation of previously installed sources which include one (1) Caterpillar G3406NA 215-bhp rich-burn natural gas engine, one (1) Non-selective catalytic reduction (NSCR); one (1) 2,100-gallon (50-bbl) produced water/waste oil storage tank at their Unity Compressor Station located in Unity Township, Westmoreland County. Application received: October 19, 2023. Authorized: October 26, 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.

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.

46-0044D: Glasgow McCoy Quarry, Church & Flint Hill Rd, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. This action is to replace one of the three existing secondary crushers of the secondary stone crushing plant (Source ID 108A) at its McCoy Quarry facility with a new secondary crusher. Application received: October 31, 2022. Issued: September 5, 2023.

09-0236: Covanta Metals Management, 445 South St, Morristown, NJ 07960-6475, Falls Township, **Bucks County**. This action is for an extension of a plan approval for the construction and operation of a non-ferrous metal recovery facility as well as reconfigure the ductwork. Application received: August 1, 2023. Issued: September 11, 2023.

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

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

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

67-05004U: Pixelle Specialty Solutions, LLC, 228 South Main Street, Spring Grove, PA 17362-1000, Spring Grove Borough, **York County**. For the installation of two 115 mmBtu/hr natural gas burners in the No. 3 Recovery Boiler (ID 037) which will be limited by an annual fuel limitation of 225.49 mmscf of natural gas, upgrade of the PLC software and various hardware of the Hardwood Digester (ID 112) to increase pulp production by 2.1%, and upgrades to the water removal system of paper machines No. 1 and No. 8 (contained in ID 115) to increase paper production by approximately 8% at the pulp and paper mill. The plan approval was extended. Application received: October 19, 2023. Issued: October 26, 2023.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

PA-11-00536A: CPV Fairview, LLC, 2862 William Penn Avenue, Johnstown, PA 15909, Jackson Township, **Cambria County**. For plan approval extension, with expiration on April 28, 2024, for continued temporary operation of air contamination sources and controls at the Fairview Energy Center. Application received: September 26, 2023. Effective: October 28, 2023.

PA-11-00536B: CPV Fairview, LLC, 2862 William Penn Avenue, Johnstown, PA 15909, Jackson Township, **Cambria County**. For plan approval extension, with expiration on April 28, 2024, for continued temporary operation of air contamination sources and controls at the CPV Fairview Energy Center. Application received: September 26, 2023. Effective: October 28, 2023.

PA-65-01135: Brandywine Green, LLC, 2 Daniels Way, Cranston, RI 02921, Murrysville Borough, **Westmoreland County**. Plan approval minor modification issued on October 24, 2023, with expiration on March 28, 2024, to authorize the initial temporary operation period for two (2) animal crematory incinerators. Application received: October 18, 2023. Effective: October 24, 2023.

PA-11-00541A: Cleveland Brothers Equipment Company, Inc., 100 Commerce Drive, Ebensburg, PA 15931, Cambria Township, **Cambria County**. For plan approval extension, with expiration on March 28, 2024, to authorize continued temporary operation of sources and controls at its industrial engine rebuilding facility. Application received: October 14, 2023. Effective: October 31, 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.

08-00045: Hamilton Liberty, LLC, 151 Liberty Lane, Towanda, PA 18848, Asylum Township, **Bradford County**. The Department issued a Title IV Operating Permit on October 16, 2023, for operation of the Hamilton

Liberty electric generation facility. Application received: October 19, 2022. Renewal issued: October 16, 2023. New expiration date: October 15, 2028.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick, 570-826-2409.

40-00021: Hazleton Gen, LLC/Hazle Twp, 120 Maplewood Drive, Hazle Township, PA 18202-9266, Hazle Township, **Luzerne County**. The Department issued a renewal Title V Operating Permit for the electric generation facility located in Hazle Township, Luzerne 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 gas turbines. The sources are controlled by water injection. 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: July 19, 2022. Renewal issued: October 24, 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.

09-00271: Fres-co System USA, Inc., 3005 State Rd, Telford, PA 18969-1021, West Rockhill Township, **Bucks County**. This action is an extension for the installation and operation of a three-station laminator. Application received: September 29, 2023. Issued: October 27, 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.

60-00027: Mifflinburg Area School District, 178 Maple St., Mifflinburg, PA 17844, Mifflinburg Borough, **Union County**. The Department issued an initial State Only Operating Permit for their campus. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions Application received: August 16, 2023. Issued: October 25, 2023.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick, 570-826-2409.

48-00085: Piramal Critical Care, Inc./Hanover Township, 3950 Schelden Circle, Bethlehem, PA 18017-8936, Hanover Township, **Northampton County**. The Department issued a renewal State-Only (Natural Minor) Permit for this pharmaceutical preparation facility located in Hanover Township, Northampton County. The main sources at this facility consists of three (3) Haloge-

nated Ether Process Lines and a Chlorinated & Fluorinated Ether Process Line. The control devices for the sources are a thermal oxidizer and a packed tower scrubber. The sources are considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: December 14, 2022. Renewal issued: October 23, 2023.

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

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

36-03080: Rohrer's Quarry, Inc., P.O. Box 365, 70 Lititz Road, Lititz, PA 17543, Warwick Township, **Lancaster County**. For the quarry and stone crushing facility. The State-Only Permit was renewed. Application received: April 27, 2023. Issued: October 24, 2023.

36-05073: Bollman Hat Co., 110 E. Main Street, Adamstown, PA 19501-5009, Adamstown Borough, **Lancaster County**. For the hat manufacturing facility. The State-Only Permit was renewed. Application received: March 9, 2023. Issued: October 25, 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.

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

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

08-00002: DuPont Specialty Products USA, LLC, 192 Patterson Boulevard, Towanda, PA 18848, North Towanda Township, **Bradford County**. The Department issued a revised Title V Operating Permit to restrict hours of operation on two emergency engines and add a third emergency engine under exemption criteria at the company's Towanda facility. All applicable Federal and State regulatory requirements, including appropriate testing, monitoring, recordkeeping, reporting, and work practice are included in the revised Operating Permit to ensure compliance with the permit conditions. Application received: May 19, 2023. Permit modification issued: October 26, 2023. Revised: October 26, 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.

23-00003: Monroe Energy, LLC/Trainer, 4101 Post Rd, Trainer, PA 19061, Trainer Borough, **Delaware County**. Pursuant to 25 Pa. Code Section 127.450, the Title V Operating Permit 23-00003 was revised through an Administrative Amendment to incorporate terms and conditions from Plan Approval No. 23-0003AG. The plan

approval was issued for the permanent operation of D2 process equipment with refined, bleached, and deodorized soybean oil (RBDSO), the D2 Renewables Project, at the refinery. Application received: October 2, 2023. Issued: October 30, 2023.

Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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.

59-00029: UGI Texas Creek, LLC, 835 Knitting Mills Way, Wyomissing, PA 19610, Gaines Township, **Tioga County**. Terminated the State Only Operating Permit, issued for the operation of a natural gas compressor station (Pierson 810 Compressor Station) located in Gaines Township, Tioga County due to the re-permitting of all sources at this facility under Air Quality General Permit AG5-59-00027A. The Operating Permit 59-00029 is terminated. Application received: August 1, 2023. GP coverage issued: 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. 11130102. E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722, Reade Township, **Cambria County**. Permit renewal for reclamation only of a bituminous surface and auger mine affecting

77.0 acres. Receiving streams: Powell Run to Clearfield Creek, classified for the following uses: CWF, WWF. Application received: August 22, 2023. Renewal issued: October 30, 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. 24880103. NPDES No. PA0104779. Keystone Land Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, Horton Township, **Elk County**. Renewal of an existing bituminous surface mine and associated NPDES permit for reclamation only. Application received: June 1, 2023. Issued: October 30, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17020110. RAMM Coal, Inc., 1092 Spruce Hill Road, Rockton, PA 15856, Sandy Township, **Clearfield County**. Renewal of a bituminous surface coal mine permit, affecting 145.3 acres. The renewal is for reclamation only. Receiving stream(s): Unnamed Tributaries to LaBorde Branch and LaBorde Branch classified for the following use(s): CWF. Application received: April 18, 2023. Accepted: April 18, 2023. Issued: October 26, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54950201. Gilberton Coal Company, 10 Gilberton Road, Gilberton, PA 17934, Butler Township, **Schuylkill County**. Correction of an anthracite coal refuse reprocessing operation to add 12.0 acres to the permit area for a total of 27.0 acres. Receiving streams: Big Mine Run and Mahanoy Creek. Application received: February 13, 2023. Correction issued: October 24, 2023.

Mining Permit No. 54950201. GP104 Permit No. PAM111076. Gilberton Coal Company, 10 Gilberton Road, Gilberton, PA 17934, Butler Township, **Schuylkill County**. Modification of coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP-GP-104). Receiving streams: Big Mine Run and Mahanoy Creek. Application received: February 13, 2023. Coverage issued: October 24, 2023.

Mining Permit No. 40230901. Rossi Excavating Company, 10 Centtown Road, Beaver Meadows, PA 18216, Hazle Township, **Luzerne County**. Commencement, operation and restoration of an anthracite incidental coal extraction permit affecting 21.0 acres. Receiving stream: Catawissa Creek. Application received: May 22, 2023. Permit issued: October 27, 2023.

Mining Permit No. 40230901. GP104 Permit No. PAM123025. Rossi Excavating Company, 10 Centtown Road, Beaver Meadows, PA 18216, Hazle Township, **Luzerne County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: Catawissa Creek. Application received: May 22, 2023. Coverage issued: October 27, 2023. Expiration date: March 27, 2026.

Noncoal Permits

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

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

Mining Permit No. 33232802. Lindemuth Excavating, Inc., 697 Hazen Richardsville Road, Brookville, PA 15825, Union Township, **Jefferson County**. Cinnabenebt, operation and restoration of a small industrial minerals mine. Application received: August 22, 2023. Issued: October 24, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 08122504. Charles H. God II, 46 River Woods Ln, Sugar Run, PA 18846, Pike Township, Bradford County. Renewal of coverage under GP-105 for a bluestone surface mining operation affecting 9.27 acres. Receiving stream(s): Unnamed Tributary to Rockwell Creek classified for the following use(s): WWF. Application received: June 20, 2023. Issued: October 18, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 13760301. NPDES Permit No. PA0226360. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Lower Towamensing Township, **Carbon County**. New NPDES Permit on a quarry operation. Receiving stream: Buckwa Creek. Application received: February 15, 2023. Permit issued: October 30, 2023.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 36234124. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, West Earl Township, **Lancaster County**. Construction blasting for Amos Barn. Application received: October 23, 2023. Permit issued: October 26, 2023. Expiration date: November 30, 2023.

Permit No. 67234112. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, Manchester Town-

ship, **York County**. Construction blasting for Expressway Commons. Application received: October 25, 2023. Permit issued: October 26, 2023. Expiration date: October 24, 2024.

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.

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

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

E4601223-023. Upper Gwynedd Township, 1 Parkside Place, North Wales, PA 19454, Upper Gwynedd Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To restore, stabilize, and maintain an approximately 2,375 linear feet section of Haines Run (WWF-MF) from the confluence with the Wissahickon Creek and spanning upstream, associated with the stream restoration and to stabilize the eroded streambanks. The streambanks will be regraded and stabilized with biodegradable erosion control matting, vegetated coir logs, and landscape vegetation. The site is located at 261 Township Line Road, North Wales (Lansdale, PA USGS Quadrangles) in Upper Gwynedd Township, Montgomery County. Latitude: 40.197233°, Longitude: -75.279056°. Application received: June 21, 2023. Permit issued: October 25, 2023.

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

Contact: RA-EPSW-OGSUBMISSION@pa.gov, 412-442-4281.

E6507223-009. CNX Gas Company, LLC, 1000 Horizon Vue Drive, Canonsburg, PA 15317, Washington Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District.

Application received: May 11, 2023. Issued: October 30, 2023. Sub-Basin 18B (Kiskiminetas River), Quadrangle: Slickville and Vandergrift (40.505223, -79.558658). The applicant will install, operate, and maintain two 7' x 10.78" submerged intakes, 350 LF of temporary aboveground waterline, and a temporary mat bridge in Washington Township, Westmoreland County. The intakes will be placed directly within the Beaver Run Reservoir and the temporary above ground waterline and timber mat bridge will aerially cross the banks of a UNT to Beaver Run. The project will result in 0.0464 acre of temporary direct impacts, including 19 LF of stream impact.

Resource	Resource Type	Location (Latitude, Longitude)	Activity Type	Temporary Direct Impacts	(acres)
				(LF)	
Beaver Run Reservoir Intake # 35.2	HQ—CWF	40.505523, -79.558658	Intake Placement		0.0003
		40.505540, -79.558651	Flexible Hose Installation		
UNT 2 to Beaver Run	HQ—CWF	40.505748, -79.559005	Flexible Hose Installation/ Timber Mat Crossing	19	0.0454
Beaver Run Reservoir Intake # 35.5	HQ—CWF	40.470747, -79.568205	Intake Placement		0.0007
		40.470804, -79.568277	Flexible Hose Installation		

ENVIRONMENTAL ASSESSMENTS

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, 478 Main Street, Buffalo, NY 14202, City of Erie, Erie County. U.S. Army Corps of Engineers Buffalo District.

The US Army Corps of Engineers is granted Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) to dredge approximately 250,000 cubic yards of sediment from the Erie Harbor Federal navigation channels and dispose of the dredged material at an existing, authorized one-mile square open-lake discharge area in Lake Erie within Pennsylvania waters. The Water Quality Certification is based on an environmental assessment (EA2506223-001) of physical and chemical quality of the material to be dredged and the finding of low risk to the protected uses of the Pennsylvania waters of Lake Erie. The Water Quality Certification is contingent upon compliance with the Erosion and Sediment Control Plan submitted for the project and places constraints on the dates when dredging activities may take place. Latitude: 42.140203118255144°, Longitude: -80.11592313241843°. Application received: May 9, 2023. Issued: October 30, 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-EPEASTERNOPRG@pa.gov.

ESCGP # 3 **ESG291223001-00**

Applicant Name **NFG Midstream Clermont, LLC**

Contact Person James Welch

Address 6363 Main Street

City, State, Zip Williamsville, NY 14221-5855

Township(s) Shippen Township

County **Cameron County**

Stream(s) and Classification(s) Havens Run and Tribs.

(CWF, MF), Right Branch Cooks Run and Tribs. (EV,

MF), Left Branch Cooks Run & Tribs. (EV, MF), Brewer

Fork and Tribs. (EV, MF), Six- and one-half mile hollow

& tribs. (EV, MF), UNT to North Creek (Six Mile

Hollow) (EV, MF)

Application received: July 20, 2023

Issued: October 24, 2023

ESCGP # 3 **ESG295923016-00**

Applicant Name **JKLM Energy, LLC**

Contact Person Joseph Harrick

Address 2200 Georgetown Drive, Suite 500

City, State, Zip Sewickley, PA 15143-8753

Township(s) Lawrence Township

County **Tioga County**

Receiving Stream(s) and Classification(s) UNT to Cowan-

esque River (WWF, MF)

Application received: July 28, 2023

Issued: October 25, 2023

ESCGP # 3 **ESG295923017-00**

Applicant Name **Seneca Resources Co, LLC**

Contact Person Douglas Kepler

Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825

Township(s) Covington Township and Richmond Township
County **Tioga County**

Receiving Stream(s) and Classification(s) Unnamed Tributary to Tioga River (CWF, MF), Canoe Camp Creek (CWF, MF)

Application received: August 3, 2023

Issued: October 27, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Shri Hari Charan, Storage Tank Facility ID # **40-13182**, 36 South Mountain Boulevard, Mountain Top, PA 18707, Fairview Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Shri Hari Charan Real Estate, LLC, 36 South Mountain Boulevard, Mountain Top, PA 18707 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.

Chapin Oil Service, Storage Tank Facility ID # **40-09384**, 920 East Third Street, Nescopeck, PA 18635, Nescopeck Borough, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Douthat Ventures, LLC, 920 East

Third Street, Nescopeck, PA 18635 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting Statewide health standards.

Former Safford Oil, Storage Tank Facility ID # **40-50253**, 837 West Eighth Street, West Wyoming, PA 18644, West Wyoming Borough, **Luzerne County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of Archie Eshelman, Jr., 837 West Eighth Street, West Wyoming, PA 18644 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.

7 Eleven 40206, Storage Tank Facility ID # **48-24155**, 109 West Main Street, Bath, PA 18014, Bath Borough, **Northampton County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

LUKOIL 69202, Storage Tank Facility ID # **46-42586**, 1054 E. Main St., Lansdale, PA 19446, Upper Gwynedd Township, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A2 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 site-specific standards.

Big Road, Storage Tank Facility ID # **46-43022**, 2946 Big Rd., Zieglerville, PA 19492, Upper Frederick Township, **Montgomery County**. Brownfield Science & Technology, Inc., 3157 Limestone Road, Cochranville, PA 19330, on behalf of East Coast Siding Contractors, 339 W. Ridge Pike, Limerick, PA 19468, submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The combined plan and report is intended to document the remedial actions for meeting residential Statewide health standards.

Wawa Food Mkt 288, Storage Tank Facility ID # **09-38151**, 5854 Eaton Rd., Pipersville, PA 18947, Plumstead Township, **Bucks County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19063 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.

Champlost Fuels 67274, Storage Tank Facility ID # **51-23932**, 100 E. Champlost Ave., Philadelphia, PA 19120, City of Philadelphia, **Philadelphia County**. Petrodi LLC, 543 Oakshade Road, Shamong, NJ 08088, on behalf of Ramoco Marketing Group, P.O. Box 2218,

Princeton, NJ 08540, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Blue Bell Sunoco, Storage Tank Facility ID # **46-20382**, 889 Dekalb Pike, Blue Bell, PA 19422, Whitpain Township, **Montgomery County**. Claymore Environmental, 650 Germantown Pike, Lafayette Hill, PA 19444, on behalf of Brian Halligan, 113 E Mill Road, Flourtown, PA 19031, 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.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Al's Quick Stop 1, Storage Tank Facility ID # **35-50754**, 554 State Route 435, Elmhurst, PA 18444,

Elmhurst Township, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Binnie Real Estate, LLC, 1010 East Drinker Street, Dunmore, PA 18512, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on October 26, 2023.

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 demonstrated attainment of the Statewide health standards and was approved by DEP on October 26, 2023.

Market Street BP, Storage Tank Facility ID # **40-27874**, 467 Market Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Domoco Gas & Oil Company, 14 Cherry Lane, Mountain Top, PA 18707 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The combined plan and report did not demonstrate attainment of the Statewide health and site-specific standards and was disapproved by DEP on October 26, 2023.

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

Contact: Chris, 724-598-2206.

GetGo 3131, Storage Tank Facility ID # **10-90150**, 20110 Route 19, Cranberry Township, PA 16066, Cranberry Township, **Butler County**. PVE, LLC, 2000 Georgetown Dr, Suite 101, Sewickley, PA 15143, on behalf of Giant Eagle, Inc., 101 Kappa Dr, Pittsburgh, PA 15238, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded Gasoline. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on October 30, 2023.

Contact: Nick, 814-332-6978.

PA0333-76 Chestnut St, Storage Tank Facility ID # **42-15331**, 76 Chestnut St, Bradford, PA 16701, City of Bradford, **McKean County**. Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, on behalf of PAL UST IV, LLC, 645 West Hamilton, Suite 400, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on October 25, 2023.

Poor Man's Deli, Storage Tank Facility ID # **42-20051**, 225 Biddle Street, Kane, PA 16735, Kane Borough, **McKean County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of James and Temoshenko, 8421 Route 6, Kane, PA 16735, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded Gasoline. The plan residential and nonresidential was not acceptable to meet the Statewide health and site-specific standards and was disapproved by DEP on October 30, 2023.

SPECIAL NOTICES

WATER PROGRAMS

Public Hearing Notice for NPDES Permit Application No. PAD390265.

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.

On October 19, 2022, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the **2951 Betz Court Site**, Orefield, PA in Lowhill Township, **Lehigh County**. The application was deemed administratively complete on January 6, 2023. Written public comments were received during the public comment period.

The Department will hold a virtual public hearing on Monday, December 11, 2023 from 7:45 p.m.—9:15 p.m. to accept additional comments on the documentation and plans associated with the Individual NPDES **Permit Application No. PAD390265** for the discharge of stormwater from construction activities to the following receiving watercourses:

UNT to Jordan Creek (HQ—CWF, MF) and EV Wetlands

The applicant is as follows:

CRG Services Management, LLC, 300 Barr Harbor Drive, Suite 720, Conshohocken, PA 19428

Contact: Fred Ferraro, CRG Services Management, LLC

Individuals who wish to present testimony at the virtual hearing and for inclusion in the administrative record, must e-mail Colleen Connolly, Community Relations Coordinator at coconnolly@pa.gov a minimum of 24-hours in advance of the hearing to reserve a time to present testimony; a link will be provided upon registration. For those wishing only to listen, access information to the hearing will be posted to the Virtual Public Hearing web page found at www.dep.pa.gov (select Public Participation). All comments, whether delivered orally during the virtual hearing or submitted in writing to carry equal weight and consideration with DEP. Verbal testimony is limited to 3-minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted. DEP asks that each organization designate one speaker per group and reminds those presenting that time may not be shared or relinquished to others. More information on DEP virtual hearings may be found on DEP's Public Participation page, at www.dep.pa.gov (select Public Participation).

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly at: coconnolly@pa.gov or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and conceptual plans are available for review at the Lehigh County Conservation District Office, 4184 Dorney Park Road, Suite 105, Allentown, PA at (610) 391-9583 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information,

contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

Public Hearing Notice NPDES Permit Application No. PAD390269.

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.

On February 2, 2023, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the **Core5 at Route 100 Project**, Orefield, PA in Lowhill Township, **Lehigh County**. The application was deemed administratively complete on May 5, 2023. Written public comments were received during the public comment period.

The Department will hold a virtual public hearing on Monday, December 11, 2023 from 6:00 p.m.—7:30 p.m. to accept additional comments on the documentation and plans associated with the Individual NPDES **Permit Application No. PAD390269** for the discharge of stormwater from construction activities to the following receiving watercourses:

Tributary to Jordan Creek (aka Cherith Brook) (HQ—CWF, MF)

The applicant is as follows:

- Core5 Industrial Partners, 1250 N. Mountain Road, Harrisburg, PA 17112.

Contact: Brian Reisinger, Core5 Industrial Partners

Individuals who wish to present testimony at the virtual hearing and for inclusion in the administrative record, must e-mail Colleen Connolly, Community Relations Coordinator at coconnolly@pa.gov a minimum of 24-hours in advance of the hearing to reserve a time to present testimony; a link will be provided upon registration. For those wishing only to listen, access information to the hearing will be posted to the Virtual Public Hearing web page found at www.dep.pa.gov (select Public Participation). All comments, whether delivered orally during the virtual hearing or submitted in writing to carry equal weight and consideration with DEP. Verbal testimony is limited to 3-minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted. DEP asks that each organization designate one speaker per group and reminds those presenting that time may not be shared or relinquished to others. More information on DEP virtual hearings may be found on DEP's Public Participation page, at www.dep.pa.gov (select Public Participation).

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly at: coconnolly@pa.gov or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and conceptual plans are available for review at the Lehigh County Conservation District Office, 4184 Dorney Park Road, Suite 105, Allentown, PA at (610) 391-9583 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

Temporary Suspension of The Current 401 WQC Operating Conditions.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

Piney Hydroelectric Project No. 309, Brookfield Renewable Energy Group, Brookfield Power Piney & Deep Creek LLC, 2000 River Road, Clarion, PA 16214, Piney Station, **Clarion County**.

The Piney Hydroelectric Project (Project) is operated by Brookfield Power Piney & Deep Creek LLC (Brookfield) under the provisions of 401 Water Quality Certification (WQC) issued by the Department on August 29, 2003. The WQC imposes certain operating conditions on the Project necessary for the protection of statewide water uses, including maintenance of certain minimum reservoir (aka, Piney Lake) pool levels. The WQC specifies an annual minimum reservoir pool level of 1,092.5 ± 0.5 feet above mean sea level (MSL) from April 1 through June 20 and maintenance of reservoir pool levels “in such a manner as to protect statewide water uses in the reservoir” outside of this time period (Condition 1.2). The Federal Energy Regulatory Commission (FERC) license for the project requires a minimum reservoir pool of 1,090 feet MSL during the period from June 21—October 31.

In response to a written request from Brookfield, the Department has authorized the temporary suspension of the current 401 WQC operating conditions related to Project reservoir pool levels and has instead authorized the maintenance of reservoir pool levels between 1,087.5 feet and 1,088 feet above MSL from April 1, 2024—October 31, 2024. This modification is needed to safely complete renovations to the Tainter gate structures on the crest of Piney Dam. These renovations are necessary to allow for the safe passage of newly projected maximum flood flows through the dam. Reservoir pool levels will be reestablished to the levels specified in the 2003 WQC following construction.

WASTE, AIR, RADIATION AND REMEDIATION

Preliminary approval of a RACT 3 plan and an amendment to the State Implementation Plan (SIP) for Compressor Station 517.

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.

19-00007: Transcontinental Gas Pipe Line Company, LLC (P.O. Box 1396, Houston, TX 77251-1396). 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 3 plan and an amendment to the State Implementation Plan (SIP) for Compressor Station 517.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT 3 approval for the facility, including an alternative compliance schedule, which are intended to satisfy the requirements for the 2015 National Ambient Air Quality Standard for ozone.

The proposed amendments to the RACT 3 determination, if finally approved, will be incorporated into a revised operating permit (19-00007) for the facility. The relevant RACT 3 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 alternative compliance schedule will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT 3 determination for this operation that will be submitted to the EPA as a SIP revision:

(a) The permittee shall not cause, allow, or permit NO_x to be emitted from this source in excess of 25 ppmvd at 15% O₂ as of the final compliance date specified in alternative compliance schedule detailed as follows.

(b) The source is a Compressor Turbine, natural gas-fired, Solar, Model Centaur 50, 5,500 HP, 46.9 MMBtu/hr rated heat input, Installation date 1992.

(c) The proposed air cleaning device includes a new turbine core which has been designed to reach an emission level of 25 ppmvd NO_x at 15% O₂ as well as turbine control system upgrades.

(d) The remaining phases of the installation of the proposed air cleaning devices are projected to be completed by the dates specified in the revised operating permit.

(e) Prior to the final compliance date specified, the source shall comply with NO_x emission limitations of 19.3 lb/hr, 34.0 tons/yr, and 150 ppmvd at 15% O₂.

(f) The final compliance date for this alternative compliance schedule is July 31, 2024. The installation of the proposed turbine core, control system upgrades, and compliance demonstration shall be complete by the final compliance date.

Public hearing. A public hearing will be held if requested by December 6, 2023 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on December 19, 2023, at 1:00 PM at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. 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 December 12, 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>. We ask that you 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 17701-6448.

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 17701-6448. 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 3 Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT 3 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 17701-6448. 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.

The permit application was received on 12/29/2022.

Notice of Proposed Revision to the State Implementation Plan (SIP) for Oxides of Nitrogen (NO_x), Volatile Organic Compounds (VOC), Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 66-00001.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Mark Wejkszner, Air Quality Program Manager, 570-826-2528.

Approval of a Reasonably Available Control Technology (RACT III) plan for **Procter & Gamble Paper Products Company (P&G)**, located in Washington Township, Wyoming County. In accordance with 25 Pa. Code §§ 129.111—129.115, the Department of Environmental Protection (Department) has made a preliminary determination to approve a RACT III plan and an amendment to the SIP for the paper-making process owned and operated by P&G.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the 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 conditions for the alternative RACT III determination, if finally approved, will be incorporated into a revised operating permit (66-00001) for the facility. The relevant RACT III requirements will be submitted to U.S. EPA as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR Part 51 and approval by United States Environmental Protection Agency (EPA). Requirements that are not part of the

RACT III determination will be excluded from the SIP submittal. The following is a summary of the proposed conditions for the alternative RACT III determination for this operation that will be submitted to the EPA as a SIP revision:

P&G has requested the following alternative case-by-case RACT III emissions limits for the following sources through this significant operating permit modification:

A continued NO_x emissions limit of 0.17 lb/MMBtu for the following sources: 501—503, 505 and 506.

For sources previously subject to RACT II case-by-case determinations which have not been modified or changed, P&G has submitted a separate limited analysis in accordance with 25 Pa. Code Section 129.114(i) to demonstrate compliance with the alternative RACT requirements. These sources and their associated requirements include: a continued NO_x emissions limit of 0.24 lb/MMBtu when firing natural gas and 0.41 lb/MMBtu when firing paper fines for source 033A, a continued NO_x emissions limit of 0.14 lb/MMBtu on a 3-hr average for sources 507 and 508, the continued maintenance of sources in accordance with manufacturers specifications and use of good operating practices for VOC control for the following sources: DP18, ED1, PG9, and DC1, the continued use of low-VOC additives for VOC control for sources DP18 and PG9, and the continued closure of source LF1 for VOC control.

Other sources at the facility which are not included in the alternative RACT III determination include air contamination sources subject to a presumptive RACT requirement or RACT emissions limitation in 25 Pa. Code § 129.112, air contamination sources that are exempt from 25 Pa. Code §§ 129.112—114 because they have the PTE of less than 1 tpy of NO_x and/or less than 1 tpy of VOC, in accordance with 25 Pa. Code § 129.111(c), and air contamination sources that are exempt from 25 Pa. Code §§ 129.112—114 because they are already subject to certain Chapter 129 RACT requirements (i.e., 25 Pa. Code §§ 129.51, 129.52(a)—(k) and Table I categories 1—11, 129.52a—129.52e, 129.54—129.63a, 129.64—129.69, 129.71—129.75, 129.77, and 129.101—129.107), in accordance with 25 Pa. Code § 129.111(a).

The operating permit will contain additional record-keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to 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. 66-00001** 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 Mark Wejkszner, Air Quality Program Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, phone number 570-826-2528 within 30 days after publication date.

[Pa.B. Doc. No. 23-1548. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04)

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 Small Flow Treatment Facilities (SFTF) (PAG-04) for a new 5-year term. The PAG-04 General Permit will become effective on November 12, 2023, and will expire on November 11, 2028.

The PAG-04 General Permit is intended to provide NPDES permit coverage to existing and proposed SFTFs. SFTFs are treatment works designed to adequately treat sewage flows of not greater than 2,000 gallons per day for final disposal to surface waters. The General Permit may not be used to cover other types of treatment facilities including those that process industrial wastes.

Notice of the availability of a draft PAG-04 General Permit was published at 52 Pa.B. 6933 (November 5, 2022). A 30-day comment period was provided and the Department received comments and questions from one organization. After publication of the draft permit, the Department determined that a renewal Notice of Intent (NOI) would not be required for existing facilities under the Department's authority at 25 Pa. Code § 92a.23(c) (relating to NOI for coverage under an NPDES general permit). The Department published notice of the availability a redrafted PAG-04 General Permit at 53 Pa.B. 3769 (July 15, 2023). An additional 30-day comment period was provided and the Department received comments and questions from two organizations. A comment response document has been developed to address the comments received on both drafts. Significant changes have not been made to the final General Permit in comparison to the redrafted permit.

The PAG-04 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-04 Discharges from Small Flow Treatment Facilities 3800-PM-BCW0093 (May Not be Used for New Coverage)").

Under 25 Pa. Code § 92a.23(c), an NOI will not be required for permittees to remain covered under the reissued General Permit. This determination was based on the expected nature of SFTF discharges and the level of treatment required and performed by these systems. The determination was also based on the expected low

volume of discharges, the low potential for toxic or conventional pollutants in the discharges, and other methods of identifying discharges covered under this permit.

In accordance with 25 Pa. Code § 92a.84(c)(2) (relating to public notice of general permits), the Department will publish notice in the *Pennsylvania Bulletin* for each NOI and of each approval of coverage under the PAG-04 General Permit.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1549. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability and Rescission of Technical Guidance

The Department of Environmental Protection (Department) announces the availability and rescission of the technical guidance documents (TGD) listed in this notice. Technical guidance documents 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.

Final TGD: Substantive Revision

DEP ID: 385-2188-005. *Title:* Small Flow Treatment Facilities Manual. *Description:* This TGD provides detailed design and construction standards for small flow treatment facilities and information on the procedures to be followed to obtain Clean Water Program permit approvals. The Department published notice of these revisions as a draft at 52 Pa.B. 6932 (November 5, 2022). During the 60-day public comment period on the draft TGD, the Department received comments from one commenter. As detailed in the comment response document accompanying the final TGD, one minor change has been made in the final TGD as a result of the public comments. Prior to these substantive revisions, this TGD had not been substantively revised since 2006. The document number for this TGD is being changed from 362-0300-002 to 385-2188-005 due to the major reorganization of the

document and the number and scope of the changes. The prior TGD, 362-0300-002, is being rescinded concurrently with the publication of this final TGD.

Contact: Questions regarding this TGD can be directed to Jay Patel at jaypatel@pa.gov or (717) 787-5017.

Effective Date: November 11, 2023

TGD Rescission

DEP ID: 362-0300-002. *Title:* Small Flow Treatment Facilities Manual. *Description:* The Department has extensively revised this TGD to the degree that the previous TGD is no longer recognizable. The new revised TGD bears the same title, Small Flow Treatment Facilities Manual, but has a new ID number, 385-2188-005. Due to the publication of the new revised TGD (385-2188-005), the existing TGD (362-0300-002) is outdated and redundant and is being rescinded.

Contact: Questions regarding the rescission of this TGD can be directed to Jay Patel at jaypatel@pa.gov or (717) 787-5017.

Effective Date: November 11, 2023

Final TGD: Withdrawal

DEP ID: 258-2182-774. *Title:* Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium. *Description:* This TGD provided the Department's procedures for utilizing a published data set to statistically determine Statewide representative background concentrations for Vanadium from donor or receiving clean and regulated fill sites. This TGD's rescission follows the adoption of the Administration of the Land Recycling Program Vanadium MSC Rule, 7-572 (IRRC # 3348) which amends the Vanadium Medium-Specific Concentrations. With the adoption and publication of the final-form rulemaking, this TGD is no longer needed.

(Editor's Note: See 53 Pa.B. 6998 for the Department's final-form rulemaking # 7-572.)

Contact: Questions regarding this TGD should be directed to Chris Solloway, (717) 787-1791 or csolloway@pa.gov.

Effective Date: November 11, 2023

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1550. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Water Quality Management General Permit for Small Flow Treatment Facilities (WQG-01)

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 Water Quality Management (WQM) General Permit for Small Flow Treatment Facilities (WQG-01). The WQG-01 General Permit will become effective on November 12, 2023.

The WQG-01 General Permit is intended to provide coverage to persons constructing and operating domestic wastewater treatment facilities with flows not greater than 2,000 gallons per day. The WQG-01 General Permit may not be used for discharges that do not meet eligibility requirements of the WQG-01 General Permit.

Notice of the availability of a draft WQG-01 General Permit was published at 52 Pa.B. 6934 (November 5, 2022). A 30-day comment period was provided, during which the Department received no comments or questions. Because no comments were received, a comment response document has not been developed alongside the final WQG-01 General Permit.

One minor change was made to the final WQG-01 General Permit in comparison to the draft WQG-01 General Permit that was published at 52 Pa.B. 6934. The permit was intended to have an Appendix containing a list of proprietary systems that have been reviewed and approved by the Department as being able to consistently meet the effluent limits and therefore meet the provisions of the Department's Small Flow Treatment Facilities Manual. These systems are eligible for coverage under WQG-01. The missing Appendix has been included in the final version of the WQG-01 General Permit documents. This Appendix is informational in nature and does not affect the terms and conditions of the permit.

Facilities that have been approved for coverage under the existing WQG-01 will maintain their existing coverage.

The WQG-01 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 "WQG-01 General Permit for Small Flow Treatment Facilities 3850-PM-BCW0020").

In accordance with Department policy, regarding to public notice of general permits, the Department will publish notice in the *Pennsylvania Bulletin* for every approval of coverage under the WQG-01 General Permit.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1551. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency under the Coastal Zone Management Act; Jon Gerbracht—Forest Park Pathway and Seawall Project

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. § 1455(d)(14)), regarding to public participation in consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that Jon Gerbracht (applicant) is proposing the Forest Park Pathway and Breakwater Project in Millcreek Township, Erie County (Project).

The Project site is a beach lot on the Lake Erie shoreline in Millcreek Township, Erie County. The site contains an existing cottage which was constructed in 2011 above the Ordinary High Water Mark of 573.4'

International Great Lakes Datum 1985. The existing sewer force main was re-established within the sanitary sewer easement running along the beach. The applicant is proposing to install a lower profile seawall structure on the lakeside of the existing cottage. The structure would be bound by steel sheet piling reinforced with concrete and capped with concrete. The proposed structure is intended to protect the cottage and the existing sewer force main from existing ongoing and future damage due to wave action. The applicant has indicated the following damages resulting from high lake levels and storm impacts: the existing sewer connection between the cottage and the sewer main has been severed; the existing sump pump drain has been severed; wave deflection has repeatedly damaged the deck support posts, decking and stone veneer facade of the cottage; and unanticipated beach recession has occurred since the cottage was constructed in 2011 leaving the lakeward side of the building further exposed to wave action by bringing the water's edge closer to the cottage and reducing wave run up on the beach. Changes to the property include erosion of beach material from the west, north and east sides of the cottage. Scour of previous beach material has reduced the width of walkable beach in front of the cottage, at times eliminating the beach altogether and forcing shoreline pedestrians to enter the lake to pass by the cottage. Repairs to the structure have included replacement of stone veneer on the ground level walls, repair to ground level overhead door and replacement of second story deck boards that were detached by wave overspray. Repairs to the sump pump and sewer connection are yet to be completed. The applicant states that if erosion is allowed to persist, it will threaten to expose and damage the buried sewer main. The Project is intended to better protect the existing cottage structure, sump pump drain and sewer force main from recurring damage caused by wave action during high water or high wave, or both, storm events. The applicant is seeking authorization for this project from the United States Army Corps of Engineers under section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), Jon Gerbracht has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, at (717) 772-2196 or RA-Fed_Consistency@pa.gov.

The Department will consider all comments received on or before Tuesday, November 28, 2023. Comments, including comments submitted by electronic mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Alternatively, written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Department

of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments submitted by facsimile will not be accepted.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1552. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency under the Coastal Zone Management Act; PhilaPort—Packer Avenue Marine Terminal Maintenance Dredging

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. § 1455(d)(14)), regarding to public participation in consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that PhilaPort (applicant) is proposing to perform maintenance dredging at the Packer Avenue Marine Terminal in the City of Philadelphia (Project).

The applicant is proposing to conduct periodic maintenance dredging at the Packer Avenue Marine Terminal in the City of Philadelphia. The applicant is proposing to maintain a previously approved depth of 45 feet below mean lower-low water plus 2 feet of allowable overdredge. A total of approximately 114,500 cubic yards of dredged material are proposed for removal during the initial dredging event with disposal at the Whites Basin Confined Disposal Facility (CDF) in Logan Township, NJ. Volumes removed during subsequent dredge events will be determined as needed, subject to seasonal shoaling patterns. The dredged material recovered from subsequent dredge events will be disposed of at either the Whites Basin CDF in Logan Township, NJ, the Fort Mifflin CDF in Philadelphia, PA or the Biles Island CDF in Falls Township, PA. The applicant is seeking authorization for this activity from the United States Army Corps of Engineers through a 10-year maintenance dredging permit under section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and section 404 of the Clean Water Act (33 U.S.C. § 1344).

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, at (717) 772-2196 or RA-Fed_Consistency@pa.gov.

The Department will consider all comments received on or before November 28, 2023. Comments, including comments submitted by electronic mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Alternatively, written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Department of Envi-

ronmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments submitted by facsimile will not be accepted.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1553. Filed for public inspection November 10, 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>
Children's Dental Surgery of Bethlehem	28 Pa. Code § 551.22(3)(i) and (ii) (relating to criteria for performance of ambulatory surgery on pediatric patients)
Excelsa Health Norwin Medical Commons	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 559.2(1)—(5) (relating to director of nursing)
	28 Pa. Code § 559.3(c) (relating to nursing personnel)
Hillside Endoscopy Center, LLC	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)
Laurel Surgical Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Log Surgery Center	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
LVHN Children's Surgery Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
LVHN Surgery Center—Tilghman	
	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Penn Highlands Dubois Endoscopy Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Penn Highlands Dubois Surgery Center	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)—(5)
	28 Pa. Code § 559.3(c)
Physician's Care Surgery Center	28 Pa. Code § 553.31(a)
Physicians' Surgery Center Lancaster General Health	28 Pa. Code § 551.22(3)(ii)
Pittsburgh North Surgical Center	28 Pa. Code § 567.53(1) (relating to sterilization control)
UPMC Altoona Surgery Center	28 Pa. Code § 551.3

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 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 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. 23-1554. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from October 1, 2023, through October 31, 2023. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
AHN North Fayette Surgery Center	§ 551.3 (relating to definitions)	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5) (relating to director of nursing)	10/5/2023	Granted w/Conditions
	§ 559.3(c) (relating to nursing personnel)	10/5/2023	Granted w/Conditions
Allegheny Health Network Endoscopy Center, Westmoreland	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Allegheny Health Network Monroeville Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Allegheny Health Network Surgery Center—Bethel Park, LLC	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Apple Hill Surgical Center Partners	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Brandywine Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Hanover Surgicenter, LLC	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions

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<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Lancaster General Hospital Ambulatory Surgical Facility	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
North Shore Endoscopy Center, LLC	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Philadelphia Women's Center, Inc.	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Saint Luke's Anderson Ambulatory Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Saint Luke's Endoscopy Center—Buxmont	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Saint Luke's Endoscopy Center—Twin Rivers	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Saint Luke's West End Endoscopy Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Saint Vincent Endoscopy Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 555.31(a) (relating to principle)	10/14/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Saint Vincent Surgery Center of Erie	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Susquehanna Valley Surgery Center, LLC	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Altoona Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 555.1 (relating to principle)	10/5/2023	Granted w/Conditions
	§ 555.2 (relating to medical staff membership)	10/14/2023	Granted w/Conditions
	§ 555.3(a)—(f) (relating to requirements for membership and privileges)	10/14/2023	Granted w/Conditions
	§ 555.4(a)—(c) (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)	10/14/2023	Granted w/Conditions
	§ 557.2(a)—(d) (relating to plan)	10/14/2023	Granted w/Conditions
	§ 557.3(a)—(f) (relating to Quality Assurance and Improvement Program)	10/14/2023	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Center for Reproductive Endocrinology and Infertility	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Children's Hospital of Pittsburgh North	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Community Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Digestive Health and Endoscopy Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Hamot Surgery Center, LLC	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Leader Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Pinnacle Procedure Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Saint Margaret Harmor Outpatient Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC South Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Specialty Care York Endoscopy	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC Surgery Center Lewisburg	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
UPMC West Mifflin Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
West Shore Surgery Center, Ltd.	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions
	§ 559.3(c)	10/5/2023	Granted w/Conditions
Wexford Surgery Center	§ 551.3	10/5/2023	Granted w/Conditions
	§ 559.2(1)—(5)	10/5/2023	Granted w/Conditions

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<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
	§ 559.3(c)	10/5/2023	Granted w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
AHN Wexford Hospital	§ 101.4 (relating to definitions)	10/5/2023	Granted w/Conditions
	§ 109.7 (relating to nursing staff qualifications)	10/5/2023	Granted w/Conditions
Allegheny General Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Allegheny Valley Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Butler Memorial Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 107.26(b)(2) (relating to additional committees)	10/14/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Canonsburg Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
The Children's Hospital of Philadelphia	§ 153.1(a) (relating to minimum standards) 2.1-2.8.9.2(4) features	10/30/2023	Granted
Clarion Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 107.26(b)(2)	10/14/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Doylestown Hospital	§ 153.1(a) 2.1-3.5.2.2(1)(b)(i) space requirements	10/19/2023	Granted
Forbes Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
The Fulton County Medical Center	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Geisinger Medical Center	§ 107.64 (relating to administration of drugs)	10/14/2023	Granted w/Conditions
Geisinger Saint Luke's Hospital	§ 109.7	10/5/2023	Granted w/Conditions
	§ 101.4	10/5/2023	Granted w/Conditions
Geisinger Wyoming Valley Medical Center	§ 107.64	10/14/2023	Granted w/Conditions
Geisinger—Community Medical Center	§ 107.64	10/14/2023	Granted w/Conditions
	§ 153.1(a) 2.2-3.10.2.2(1) hemodialysis patient care stations	10/14/2023	Granted
	§ 153.1(a) 2.2-3.10.2.5(1) and (2) handwashing stations	10/14/2023	Granted
Geisinger—Lewistown Hospital	§ 103.31 (relating to the chief executive officer)	10/14/2023	Granted w/Conditions
Grove City Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Helen M. Simpson Rehabilitation Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Indiana Regional Medical Center	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Jefferson Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
The Lancaster General Hospital	§ 101.4	10/5/2023	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
	§ 109.7	10/5/2023	Granted w/Conditions
Lower Bucks Hospital	§ 153.1(a) 2.2-2.6.2.2(1) and (3)(b) space requirements	10/14/2023	Granted
	§ 153.1(a) 2.2-2.6.2.3(3)(b) windows	10/14/2023	Granted
	§ 153.1(a) 2.2-2.6.2.6(1) toilet room or human waste disposal room	10/14/2023	Granted
Mount Nittany Medical Center	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Penn State Health Lancaster Medical Center	§ 138.18(a) and (b) (relating to EPS studies)	10/14/2023	Granted w/Conditions
Penn State Health Rehabilitation Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Punxsutawney Area Hospital, Inc.	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Clair Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Luke's Hospital—Anderson Campus	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Luke's Hospital—Carbon Campus	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Luke's Hospital—Easton Campus	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Luke's Hospital—Miners Campus	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Luke's Hospital—Monroe Campus	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Luke's Hospital—Upper Bucks Campus	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Saint Luke's Hospital of Bethlehem, Pennsylvania	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
	§ 153.1(a) 2.2-3.5.2.2(1)(b)(i) and (ii) space requirements	10/14/2023	Granted
Saint Vincent Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Select Specialty Hospital—Erie, Inc.	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Select Specialty Hospital—Johnstown, Inc.	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Select Specialty Hospital—Laurel Highlands, Inc.	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Select Specialty Hospital—McKeesport, Inc.	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Select Specialty Hospital—Pittsburgh UPMC, Inc.	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Sharon Regional Health System	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions

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<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
UPMC Altoona	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Bedford	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Carlisle	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Children's Hospital of Pittsburgh	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Cole	§ 101.4	10/5/2023	Granted w/Conditions
	§ 107.62(a) and (b) (relating to oral orders)	10/14/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC East	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Hamot	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Hanover	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Horizon	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Jameson	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Kane	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Lititz	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Magee-Womens Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC McKeesport	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Memorial	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Mercy	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Muncy	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Northwest	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Passavant	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Pinnacle Hospitals	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Presbyterian Shadyside	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Saint Margaret	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Somerset	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
UPMC Wellsboro	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
UPMC Williamsport	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
West Penn Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions
Wilkes-Barre General Hospital	§ 101.4	10/5/2023	Granted w/Conditions
	§ 109.7	10/5/2023	Granted w/Conditions

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1555. Filed for public inspection November 10, 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>
Butler Memorial Hospital	28 Pa. Code § 103.31 (relating to the chief executive officer)
The Chester County Hospital	28 Pa. Code § 101.4 (relating to definitions)
	28 Pa. Code § 109.7 (relating to nursing staff qualifications)
Clarion Hospital	28 Pa. Code § 103.31
	28 Pa. Code § 115.4 (relating to medical record personnel)
Conemaugh Memorial Medical Center	28 Pa. Code § 103.31
Conemaugh Meyersdale Medical Center	28 Pa. Code § 103.31
Conemaugh Miners Medical Center	28 Pa. Code § 103.31
Encompass Health Rehabilitation Hospital of Erie, LLC	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Encompass Health Rehabilitation Hospital of York, LLC	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Excelsa Health Frick Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Excelsa Health Latrobe Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Excelsa Health Westmoreland Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Geisinger—Bloomsburg Hospital	28 Pa. Code § 107.64 (relating to administration of drugs)
Geisinger—Lewistown Hospital	28 Pa. Code § 107.64
Geisinger Medical Center Muncy	28 Pa. Code § 107.64
The Good Shepherd Rehabilitation Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7

<i>Facility Name</i>	<i>Regulation and relating to</i>
Lehigh Valley Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Lehigh Valley Hospital—Dickson City	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Lehigh Valley Hospital—Hazleton	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Lehigh Valley Hospital—Pocono	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Lehigh Valley Hospital—Schuylkill	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Lower Bucks Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Meadville Medical Center	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
The Milton S. Hershey Medical Center	28 Pa. Code § 133.21 (relating to facilities)
	28 Pa. Code § 133.31(a) (relating to policies and procedures)
Penn Highlands Brookville	28 Pa. Code § 101.4
	28 Pa. Code § 103.31
	28 Pa. Code § 109.7
Penn Highlands Connellsville	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Penn Highlands Dubois	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Penn Highlands Elk	28 Pa. Code § 101.4
	28 Pa. Code § 103.31
	28 Pa. Code § 109.7
Penn Highlands Huntingdon	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Penn Highlands Mon Valley	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Penn Highlands Tyrone	28 Pa. Code § 101.4
	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
	28 Pa. Code § 109.7
Suburban Community Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
UPMC Pinnacle Hospitals	28 Pa. Code § 107.32 (relating to meetings and attendance)
Wayne Memorial Hospital	28 Pa. Code § 107.26(b)(1) (relating to additional committees)

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 General Hospital	2.2-3.4.9.4(2)(b) staff changing area and toilet facilities	22
The Children's Hospital of Philadelphia	2.2-2.2.4.6(2)(c)(i)—(iv) medical behavioral and mental health room	22
Doylestown Hospital	2.1-3.5.2.2(1)(b)(i) space requirements	22-O
Geisinger Wyoming Valley Medical Center	2.2-3.1.4.3(2)(b)(i) and (v) and (d) rooms serving behavioral and mental health patients	22

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr^{1,2}</i>
Jefferson Health—Northeast	2.2-3.5.1.2(1)(b)(ii) radiation protection	22
Lankenau Medical Center	2.6-3.1.2.2(3) space requirements	22-O
	2.6-3.8.2.2 nurse station	22-O
Penn Highlands Dubois	2.1-3.2.3.1(2)(a) general	22-O
	2.1-3.2.3.2(1)(a) space requirements	22-O
Uniontown Hospital	2.2-2.10.3.6 patient bathroom	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 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 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. 23-1556. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C. §§ 241(a) and 247b), will hold public meetings at the Best Western Premier, 800 East Park Drive, Harrisburg, PA 17111 on Wednesday, November 29, 2023, from 9 a.m. to 4:30 p.m. and on Thursday, November 30, 2023, from 9 a.m. to 4:30 p.m.

Participants can also access the meetings virtually through the following options:

To join Microsoft Teams meetings, individuals will need to connect by phone; this can be done by dialing the following number and entering the meeting ID listed as follows:

Day 1: Main Meeting

Call in Information:

Phone Number: (412) 648-8888
Phone Conference ID: 144 780 252#
<https://bit.ly/HPGNovemberDay1>

Day 1: Subcommittee Time

Call in Information:

Phone Number: (412) 648-8888
Phone Conference ID: 556 638 856#
<https://bit.ly/HPGNovemberDay1Subcommittee>

Day 2: Main Meeting

Call in Information:

Phone Number: (412) 648-8888
Phone Conference ID: 303 857 46#
<https://bit.ly/HPGNovemberDay2>

Day 2: Subcommittee Time

Call in Information:

Phone Number: (412) 648-8888
Phone Conference ID: 453 496 782#
<https://bit.ly/HPGNovemberDay2Subcommittee>

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention Integrated HIV Surveillance and Prevention Programs for Health Departments grant. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or persons with a disability who wish to attend the meetings who require an auxiliary aid, service or other accommodation to do so should contact Kyle Fait, Planning Coordinator, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 260-8929, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department reserves the right to cancel these meetings without prior notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1557. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Fee Schedule Rates for Select Services Funded Through the Office of Developmental Programs' Consolidated, Community Living, Person/Family Directed Support and Adult Autism Waivers

The Department of Human Services (Department) is providing final notice of the Fee Schedule Rates for Community Participation Support, Needs Group 5 Residential Habilitation and group Music Therapy, Art Therapy and Equine Assisted Therapy services funded through the Consolidated, Community Living and Person/Family Directed Support (P/FDS) Waivers and Transportation Trip services funded through the Consolidated, Community Living, P/FDS and Adult Autism Waivers.

The Fee Schedule Rates for Community Participation Support and Transportation Trip services that are currently in effect will remain effective on November 11, 2023, which is 6 months after the expiration of the Federal novel coronavirus (COVID-19) public health emergency. The Fee Schedule Rates for Needs Group 5 Residential Habilitation and group Music Therapy, Art Therapy and Equine Assisted Therapy services will be effective on January 1, 2024.

Background

Proposed Fee Schedule Rates for Community Participation Support, Transportation Trip, Needs Group 5 Residential Habilitation, Life Sharing Without Day, and group Music Therapy, Art Therapy and Equine Assisted Therapy

services were published at 53 Pa.B. 2902 (May 27, 2023). The Department received comments from 16 stakeholders regarding the proposed Fee Schedule Rates. A summary of the comments received and the Department's responses is available at <https://www.dhs.pa.gov/providers/Providers/Documents/ODP/Public%20Notices%20Related%20to%20Rates/Summary%20of%20Rate%20Comments%20for%20Services%20Impacted%20By%202023%20Amendments.pdf>. After reviewing the comments on the proposed rates, the Department determined that no changes were necessary to the proposed Fee Schedule Rates for Community Participation Support, Transportation Trip, Needs Group 5 Residential Habilitation and group Music Therapy, Art Therapy and Equine Assisted Therapy services. The Department will not be implementing the proposed rates for Life Sharing Without Day services because funding for these services was not included in the General Appropriations Act for Fiscal Year 2023-2024.

The Fee Schedule Rates also serve as the Department-established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704); 55 Pa. Code Chapter 4300 (relating to county mental health and intellectual disability fiscal manual); and 55 Pa. Code Chapter 6100 (relating to services for individuals with an intellectual disability or autism).

The final Fee Schedule Rates represent the maximum rates the Department will pay for each service. The final Fee Schedule Rates are included in the following tables and can also be found online at <https://www.dhs.pa.gov/providers/Providers/Pages/ODP-Rates.aspx>.

FEE SCHEDULE RATES FOR COMMUNITY PARTICIPATION SUPPORT SERVICES EFFECTIVE NOVEMBER 11, 2023

Rates in the table are per 15-minute unit.

<i>Service</i>	<i>Procedure Code</i>	<i>Staff to Individual Ratio</i>	<i>Fee Schedule Rate</i>	<i>Fee Schedule Rate for Enhanced Communication</i>
Community Participation Support—Facility	W7222	1:11 to 1:15	\$2.96	\$3.27
	W7223	1:7 to 1:10	\$3.18	\$3.61
	W7226	1:4 to 1:6	\$5.23	\$6.01
	W7224	1:2 to 1:3	\$6.84	\$7.90
	W7244	1:1	\$12.40	\$14.50
	W9353	1:1 Enhanced	\$17.27	\$20.66
	W7269	2:1	\$23.77	\$27.96
	W9356	2:1 Enhanced	\$28.65	\$34.12
Community Participation Support—Community	W9351	1:2 to 1:3	\$6.98	\$8.02
	W9352	2:3	\$10.43	\$13.60
	W5996	1:1	\$12.81	\$14.97
	W5997	1:1 Enhanced	\$17.83	\$21.38
	W5993	2:1	\$24.62	\$29.07
	W5994	2:1 Enhanced	\$29.70	\$35.43

FEE SCHEDULE RATES FOR TRANSPORTATION TRIP SERVICES EFFECTIVE NOVEMBER 11, 2023

<i>Service</i>	<i>Unit of Service</i>	<i>Procedure Code</i>	<i>Fee Schedule Rate</i>
Transportation Trip	Zone 1 (greater than 0 and up to 10 miles)	W7274	\$33.83
	Zone 2 (greater than 10 miles and up to 30 miles)	W7275	\$60.91
	Zone 3 (over 30 miles)	W7276	\$69.19

FEE SCHEDULE RATES FOR RESIDENTIAL HABILITATION NEEDS GROUP 5 AND GROUP MUSIC THERAPY, ART THERAPY, AND EQUINE ASSISTED THERAPY SERVICES EFFECTIVE JANUARY 1, 2024

<i>Service Name</i>	<i>Needs Group</i>	<i>Program Capacity or Staffing Level</i>	<i>Procedure Code / Modifier</i>	<i>Fee Schedule Rate</i>	<i>Enhanced Communication Statewide Fee</i>
Licensed Residential Habilitation With Day	Needs Group 5	1 person	W9000/ U9	\$1,265.90 (per day unit)	\$1,519.08 (per day unit)
		2 person	W9029/ U9	\$1,146.38 (per day unit)	\$1,375.66 (per day unit)
		3 person	W9045/ U9	\$788.17 (per day unit)	\$945.80 (per day unit)
		4 person	W9047/ U9	\$606.45 (per day unit)	\$727.74 (per day unit)
		5—8 person	W9064/ U9	\$546.93 (per day unit)	\$656.32 (per day unit)
Licensed Residential Habilitation Without Day	Needs Group 5	1 person	W9000/ U9/HI	\$1,655.20 (per day unit)	\$1,986.24 (per day unit)
		2 person	W9029/ U9/HI	\$1,238.27 (per day unit)	\$1,485.92 (per day unit)
		3 person	W9045/ U9/HI	\$947.47 (per day unit)	\$1,136.96 (per day unit)
		4 person	W9047/ U9/HI	\$722.91 (per day unit)	\$867.49 (per day unit)
		5—8 person	W9064/ U9/HI	\$644.85 (per day unit)	\$773.82 (per day unit)
Music Therapy	N/A	1:2 to 1:4	G0176/ SE/ HQ	\$9.58 (per 15-minute unit)	\$12.11 (per 15-minute unit)
Art Therapy	N/A	1:2 to 1:4	G0176/ HQ	\$9.58 (per 15-minute unit)	\$12.11 (per 15-minute unit)
Equine Assisted Therapy	N/A	1:2 to 1:4	S8940/ HQ	\$6.67 (per 15-minute unit)	\$8.13 (per 15-minute unit)

Copies of this notice may be obtained by contacting the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, ra-ratesetting@pa.gov.

Fiscal Impact

It is anticipated that there will be no fiscal impact.

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1597. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1558. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Department-Managed Traffic Signals

Under the authority of 74 Pa.C.S. § 9202(i) (relating to maintenance agreement), the Department of Transportation (Department) will own, install, replace, synchronize, time, operate and maintain the following traffic signals:

1. Henry Avenue (SR 4001) from Port Royal Avenue to Barnes Street in the City of Philadelphia, Philadelphia County.
2. Markley Street (SR 3020) at the intersection with Main Street in the Municipality of Norristown, Montgomery County.

Ownership of the traffic signals is transferred from the municipalities to the Department effective November 15, 2023, in accordance with agreements executed with each municipality. The Department will maintain these traffic signals in accordance with 74 Pa.C.S. § 9202(i).

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-1559. Filed for public inspection November 10, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Innovation Council Business Meeting

The State Transportation Innovation Council will hold its business meeting on Wednesday, November 15, 2023, from 1 p.m. to 4 p.m. at the Hershey Lodge, 325 University Drive, Hershey, PA 17033. For more information, including an agenda and registration, contact Anja Walker, (717) 425-6288, anjwalker@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-1560. Filed for public inspection November 10, 2023, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The November 14, 2023, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, December 12, 2023. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," then "2023 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 12, 2023, meeting can be directed to Laura Griffin at laurgriffi@pa.gov or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727 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.

JESSICA SHIRLEY,
Interim Acting Chairperson

[Pa.B. Doc. No. 23-1561. Filed for public inspection November 10, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additions to List of Class A Wild Trout Waters; October 2023

The Fish and Boat Commission (Commission) took the following actions with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication in the *Pennsylvania Bulletin*.

The Commission adds these waters to its list of Class A wild trout streams:

County	Stream	Section	Limits	Tributary to	Mouth Lat/Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (Miles)	Survey Year
Clinton	Baker Run	1	Headwaters to Mouth	West Branch Susquehanna River	41.247778 77.606111	29.33	23.55	---	2.67	2020
Clinton	Birch Island Run	2	Unnamed Tributary at Juneberry Trail to State Route 4002	West Branch Susquehanna River	41.195833 77.974444	34.96	---	---	1.20	2022
Clinton	Hynier Run	1	Headwaters to power line crossing upstream Hynier Run State Park	West Branch Susquehanna River	41.331007 77.646802	36.27	52.01	---	1.29	2020
Clinton	Little Birch Island Run	1	Headwaters to Mouth	Birch Island Run	41.202778 77.993333	37.22	---	---	5.90	2022
Potter	East Branch Cowley Run	1	Headwaters to Cowley Road bridge	Cowley Run	41.596389 78.186389	16.65	34.95	---	4.51	2021
Potter	West Branch Cowley Run	1	Headwaters to Fee Run	Cowley Run	41.596389 78.186389	7.87	46.51	---	5.84	2021
Union	Spruce Run	2	Cooper Mill Road bridge to State Forest boundary at Spruce Run Reservoir	Buffalo Creek	40.976944 76.978889	32.13	13.90	---	6.50	2020

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-1562. Filed for public inspection November 10, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Additions; October 2023

The Fish and Boat Commission (Commission) took the following actions with respect to waters subject to 58 Pa. Code § 57.11 (relating to listing of wild trout streams), effective upon publication in the *Pennsylvania Bulletin*.

The Commission adds these waters to its list of Class A wild trout streams:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Bedford	Bank Run	Headwaters to Mouth	Yellow Creek	40.143391 78.293892
Bedford	Unnamed Tributary (UNT) to Three Springs Run (RM 0.83)	Headwaters to Mouth	Three Springs Run	40.171085 78.388912
Bedford	UNT to Yellow Creek (RM 0.38)	Headwaters to Mouth	Yellow Creek	40.139495 78.276071
Blair	UNT to Bells Gap Run (RM 5.83)	Headwaters to Mouth	Bells Gap Run	40.643299 78.403937
Blair	UNT to Mulligan Hollow Run (RM 0.47)	Headwaters to Mouth	Mulligan Hollow Run	40.655211 78.339632
Blair	UNT to Mulligan Hollow Run (RM 0.96)	Headwaters to Mouth	Mulligan Hollow Run	40.650085 78.345779
Blair	UNT to Tipton Reservoir (RM 5.22)	Headwaters to Mouth	Tipton Reservoir	40.682292 78.330491
Blair	UNT to Tipton Run (RM 3.02)	Headwaters to Mouth	Tipton Run	40.655302 78.328510
Cambria	UNT to Laurel Run (RM 3.58)	Headwaters to Mouth	Laurel Run	40.391668 78.903546
Cambria	UNT to Laurel Run (RM 4.20)	Headwaters to Mouth	Laurel Run	40.397759 78.897196
Cambria	UNT to Red Run (RM 0.71)	Headwaters to Mouth	Red Run	40.391727 78.923276
Cambria	UNT to Red Run (RM 1.33)	Headwaters to Mouth	Red Run	40.398755 78.929729
Carbon	Black Creek	Headwaters to confluence with Quakake Creek	Lehigh River	40.945278 75.747222
Centre	UNT to Black Moshannon Creek (RM 3.44)	Headwaters to Mouth	Black Moshannon Creek	41.016842 78.020150
Centre	UNT to Mountain Branch (RM 2.22)	Headwaters to Mouth	Black Moshannon Creek	40.785585 78.320850
Centre	UNT to Tomtit Run (RM 2.22)	Headwaters to Mouth	Tomtit Run	40.853022 78.175937
Chester	Baptism Creek	Headwaters to Mouth	French Creek	40.201564 75.766768
Clearfield	Little Sandy Run	Headwaters to Mouth	Big Sandy Run	41.141828 78.251921
Clearfield	UNT (RM 0.48) to UNT to South Witmer Run (RM 0.51)	Headwaters to Mouth	UNT to South Witmer Run (RM 0.51)	40.767548 78.568307
Clearfield	UNT to Hockenberry Run (RM 1.91)	Headwaters to Mouth	Hockenberry Run	40.771679 78.584919
Clearfield	UNT to Hockenberry Run (RM 3.14)	Headwaters to Mouth	Hockenberry Run	40.761438 78.598819
Clearfield	UNT to South Witmer Run (RM 0.51)	Headwaters to Mouth	South Witmer Run	40.766370 78.559479

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>
Clearfield	UNT to South Witmer Run (RM 3.84)	Headwaters to Mouth	South Witmer Run	40.732933 78.581642
Crawford	UNT to East Branch Sugar Creek (RM 1.76)	Headwaters to Mouth	East Branch Sugar Creek	41.617736 79.832856
Crawford	UNT to East Branch Sugar Creek (RM 1.86)	Headwaters to Mouth	East Branch Sugar Creek	41.618505 79.831545
Crawford	UNT to East Branch Sugar Creek (RM 2.62)	Headwaters to Mouth	East Branch Sugar Creek	41.626755 79.825827
Crawford	UNT to East Branch Sugar Creek (RM 3.95)	Headwaters to Mouth	East Branch Sugar Creek	41.640844 79.823485
Crawford	UNT to East Branch Sugar Creek (RM 4.29)	Headwaters to Mouth	East Branch Sugar Creek	41.643957 79.818770
Fayette	UNT to Quebec Creek (RM 2.78)	Headwaters to Mouth	Quebec Run	39.755810 79.688500
Huntingdon	UNT to Great Trough Creek (RM 27.39)	Headwaters to Mouth	Great Trough Creek	40.187210 78.111220
Luzerne	Little Nescopeck Creek (RM 19.26)	Headwaters to Jeddo Tunnel outflow	Nescopeck Creek	41.009167 76.075556
Lycoming	UNT (RM 0.08) to UNT to Upper Pine Bottom Run (RM 4.34)	Headwaters to Mouth	UNT to Upper Pine Bottom Run (RM 4.34)	41.315392 77.461132
Lycoming	UNT to Lick Run (English Center) (RM 2.94)	Headwaters to Mouth	Lick Run (English Center)	41.418052 77.233893
Lycoming	UNT to Lick Run (English Center) (RM 3.24)	Headwaters to Mouth	Lick Run (English Center)	41.419279 77.228747
Lycoming	UNT to Upper Pine Bottom Run (RM 4.34)	Headwaters to Mouth	Upper Pine Bottom Run	41.316268 77.460133
Lycoming	UNT to Upper Pine Bottom Run (RM 4.76)	Headwaters to Mouth	Upper Pine Bottom Run	41.321453 77.462777
Lycoming	UNT to Zinck Fork (RM 0.41)	Headwaters to Mouth	Zinck Fork	41.322094 77.446328
Pike	UNT to Lackawaxen River (RM 6.35)	Headwaters to Mouth	Lackawaxen River	41.462535 75.061376
Pike	UNT to Shohola Creek (RM 8.94)	Headwaters to Mouth	Shohola Creek	41.398258 74.967382
Potter	UNT to California Creek (RM 2.61)	Headwaters to Mouth	California Creek	41.874431 77.727191
Potter	UNT to Phoenix Run (RM 8.36)	Headwaters to Mouth	Phoenix Run	41.844061 77.639101
Tioga	UNT to Custard Run (RM 0.26)	Headwaters to Mouth	Custard Run	41.590930 77.264940
Tioga	UNT to Dixie Run (RM 1.34)	Headwaters to Mouth	Dixie Run	41.556990 77.327200
Tioga	UNT to Little Fall Creek (RM 0.82)	Headwaters to Mouth	Little Fall Creek	41.579734 77.200929
Tioga	UNT to Zimmerman Creek (RM 2.23)	Headwaters to Mouth	Zimmerman Creek	41.558228 77.241351
Tioga	UNT to Zimmerman Creek (RM 4.15)	Headwaters to Mouth	Zimmerman Creek	41.564426 77.208901
Tioga	UNT to Zimmerman Creek (RM 5.16)	Headwaters to Mouth	Zimmerman Creek	41.572740 77.194022
Tioga	UNT to Zimmerman Creek (RM 7.23)	Headwaters to Mouth	Zimmerman Creek	41.579934 77.160112
Tioga	UNT to Zimmerman Creek (RM 7.59)	Headwaters to Mouth	Zimmerman Creek	41.584188 77.157063

County of Mouth	Stream Name	Section Limits	Tributary to	Mouth Lat / Lon
Wayne	UNT (RM 0.64) to UNT to West Branch Lackawaxen River (13.82)	Headwaters to Mouth	UNT to West Branch Lackawaxen River (RM 13.82)	41.688290 75.405881
Wayne	UNT to Johnson Creek (RM 4.11)	Headwaters to Mouth	Johnson Creek	41.727263 75.382480
Wayne	UNT to Johnson Creek (RM 5.03)	Headwaters to Mouth	Johnson Creek	41.738291 75.387607
Wayne	UNT to Johnson Creek (RM 6.25)	Headwaters to inlet of Bigelow Lake	Johnson Creek	41.751720 75.390816
Wayne	UNT to Lake Quinn (RM 0.61)	Headwaters to Mouth	Lake Quinn	41.505151 75.442415
Wayne	UNT to West Branch Lackawaxen River (13.82)	Headwaters to Mouth	West Branch Lackawaxen River	41.689985 75.393894
Wayne	UNT to West Branch Lackawaxen River (RM 17.40)	Headwaters to Mouth	West Branch Lackawaxen River	41.729565 75.425964
Wayne	UNT to West Branch Lackawaxen River (RM 17.51)	Headwaters to Mouth	West Branch Lackawaxen River	41.728570 75.427730
Wayne	UNT to West Branch Lackawaxen River (RM 18.46)	Headwaters to Mouth	West Branch Lackawaxen River	41.719367 75.437348
Wayne	UNT to West Branch Lackawaxen River (RM 19.64)	Headwaters to Mouth	West Branch Lackawaxen River	41.733875 75.444715
Westmoreland	UNT (RM 0.56) to UNT to Hannas Run (RM 1.43)	Headwaters to Mouth	UNT to Hannas Run (RM 1.43)	40.279815 79.206553

The Commission revised the section limits of this stream on the list:

County of Mouth	Stream Name	Current Limits	Revised Limits	Tributary to	Mouth Lat / Lon
Bucks	Paunacussing Creek	Headwaters to T-378 bridge at RM 1.70	Headwaters to Mouth	Delaware River	40.408889 75.041111

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-1563. Filed for public inspection November 10, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designation

The Fish and Boat Commission (Commission) took the following action with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.14. Catch and release fly-fishing only

The Commission extends the limit to one stream section managed under the catch and release fly-fishing only regulation:

County	Water
Lawrence	Slippery Rock Creek, Section 04, Heinz Camp lower property line downstream to the lower McConnells Mill State Park boundary line

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-1564. Filed for public inspection November 10, 2023, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-246	PA Gaming Control Board Table Games Side Wager and Variations—Final Regulations	10/26/23	12/07/23

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 23-1565. Filed for public inspection November 10, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Marlene J. Burns; Doc. No. SC23-10-034

Notice is hereby given of the Order to Show Cause issued on October 31, 2023, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violations of the following are alleged: sections 611-A(1), (13) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(1), (13) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, jkorman@pa.gov, (717) 787-4429.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1566. Filed for public inspection November 10, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

Aviva Insurance Limited has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth. The application was received on October 12, 2023, 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 15 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. 23-1567. Filed for public inspection November 10, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

DEVK Rückversicherungs-und Beteiligungs-AG has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth. The application was received on May 15, 2023, 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 15 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. 23-1568. Filed for public inspection November 10, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

Lumen Re Ltd. has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth.

The application was received on September 21, 2023, 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 15 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. 23-1569. Filed for public inspection November 10, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Reciprocal Jurisdiction Reinsurer

XL Re Europe SE has applied for an initial designation as a reciprocal jurisdiction reinsurer in this Commonwealth. The application was received on September 28, 2023, 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 15 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. 23-1570. Filed for public inspection November 10, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Bankers Life and Casualty Company (BNLB-133831656); Rate Increase Filing for Several Individual LTC Series; Rate Filing

Bankers Life and Casualty Company is requesting approval to increase the premium 17% on 957 policy holders with LTC series GR-N400, GR-N410, GR-N500 and GR-N510.

Unless formal administrative action is taken prior to January 16, 2024, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers," then select "Other Rate Filings," then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 20 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1571. Filed for public inspection November 10, 2023, 9:00 a.m.]

OFFICE OF OPEN RECORDS

Right-to-Know Law and Sunshine Act Annual Training

The Office of Open Records (OOR) will hold its annual Right-to-Know Law (65 P.S. §§ 67.101—67.3104) and Sunshine Act training (65 Pa.C.S. §§ 701—716) (relating to Sunshine Act) on Tuesday, November 14, 2023, at 10 a.m. This year's session, which will be held by means of Microsoft Teams, will include the following topics:

- Case Law and Court Opinion update.
- How to determine if a request is sufficiently specific.
- OOR eFile Appeal Portal practical tips and commonly used functions.

The OOR's annual training is free and open to everyone. Attendees will have ample opportunity to ask questions. Visit <https://www.openrecords.pa.gov/> for information on how to participate in this year's session. (CLE credits are not available this year.)

LIZ WAGENSELLER,
Executive Director

[Pa.B. Doc. No. 23-1572. Filed for public inspection November 10, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2023-3043896. 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 and two inactive commercial 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 November 27, 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. 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. 23-1573. Filed for public inspection November 10, 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 November 27, 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 November 27, 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-2023-3043410. Luxury Door to Door Services, LLC (1217 Lose Avenue, Williamsport, Lycoming County,

PA 17701) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bradford, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Sullivan, Tioga and Union, to points in Pennsylvania, and return.

A-2023-3043628. Crespos Medical Transportation, LLC (4710 Ashburner Street, Philadelphia, Philadelphia County, PA 19136) to transport, as a common carrier, by motor vehicles, persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2023-3043775. Jaytee Investments, LLC (1925 Christopher Place, Harrisburg, Dauphin County, PA 17110) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon and York, to points in Pennsylvania, and return.

A-2023-3043842. Robert C. Lynch, Jr. and Diane R. Lynch (6885 Heister Valley Road, Richfield, Snyder County, PA 17086) to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Juniata and Snyder Counties, to points in Pennsylvania, and return.

Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2023-3043748. Wheels Take You There Transportation Service, LLC (P.O. Box 471, Smyrna, DE 19977) for the discontinuance and cancellation of its right, to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia, to points in Pennsylvania, and return, as originally docketed at A-2014-2417883.

A-2023-3043749. Wheels Take You There Transportation Service, LLC (P.O. Box 471, Smyrna, DE 19977) for the discontinuance and cancellation of its right, to transport persons in paratransit service, between points in the City and County of Philadelphia, and from points in the City and County of Philadelphia to SCI Camp Hill, SCI Graterford and SCI Somerset, limited to persons requiring transportation to said correctional facilities, and return, as originally docketed at A-2014-2436679.

A-2023-3043751. Joseph Martin (434 Shirktown Road, Narvon, Lancaster County, PA 17555) for discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1574. Filed for public inspection November 10, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2023-3043972 and A-2023-3043973. The York Water Company and Houston Run Community Water System, LLC. In the matter of the joint application of The York Water Company and Houston Run Community Water System, LLC, under 66 Pa.C.S. § 1102(a)(1)–(3) (relating to enumeration of acts requiring certificate), for approval of: (1) the right to transfer certain public water facilities and rights from Houston Run Community Water System, LLC to The York Water Company; (2) the abandonment by Houston Run Community Water System, LLC of water service to the public in its service territory in Salisbury Township, Lancaster County; and (3) approval for The York Water Company to begin to offer, render, furnish or supply water service to the public in a portion of Salisbury Township, Lancaster County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 27, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov with a copy served on the applicant. The documents filed in support of the application are available for inspection

and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicants: The York Water Company, 130 East Market Street, York, PA 17401-1219, Alexandra Chiaruttini, General Counsel, alexc@yorkwater.com; Houston Run Community Water System, LLC, 845 Houston Run Drive, Gap, PA 17527

Through and By Counsel for: For the York Water Company: Michael W. Hassell, Esq., Devin T. Ryan, Esq., Megan E. Rulli, Esq., Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, mhassell@postschell.com, dryan@postschell.com, mrulli@gmail.com; For Houston Run Community Water System, LLC: Peter J. Kraybill, Esq., Gibbel, Kraybill & Hess, LLP, 12933 Lititz Pike, P.O. Box 5349, Lancaster, PA 17606, pkraybill@gkh.com

ROSEMARY CHIAVETTA,
Secretary

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