

PENNSYLVANIA BULLETIN

Volume 54
Saturday, February 24, 2024 • Harrisburg, PA
Number 8
Pages 913—1032

Agencies in this issue

The Courts
Board of Coal Mine Safety
Department of Banking and Securities
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Human Services
Department of Military and Veterans Affairs
Department of Transportation
Fish and Boat Commission
Pennsylvania Public Utility Commission
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 591, February 2024

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BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

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Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
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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 2024.

4 Pa. Code (Administration)		67 Pa. Code (Transportation)	
Adopted Rules		Adopted Rules	
6	7	171a	719
		171b	719
Statements of Policy		204 Pa. Code (Judicial System General Provisions)	
9	16, 496, 730	Adopted Rules	
		71	138
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49 Pa. Code (Professional and Vocational Standards)			
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23	368		
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40	383		
Statements of Policy			
21	148		
55 Pa. Code (Human Services)			
Statements of Policy			
1	148		

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4, 7 AND 10]

Proposed Amendment of Pa.R.Crim.P. 403, 407, 408, 409, 411, 412, 413, 414, 422, 423, 424, 454, 462, 470, 702, 704, 705.1, 706, 1002, and 1030, adoption of Pa.R.Crim.P. 454.1, 456.1, 456.2, 702.1, 705.2, and 706.1, and Rescission and Replacement of Pa.R.Crim.P. 456

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the proposed amendment of Pa.R.Crim.P. 403 (Contents of Citation), 407 (Pleas in Response to Citation), 408 (Not Guilty Pleas—Notice of Trial), 409 (Guilty Pleas), 411 (Procedures Following Filing of Citation—Issuance of Summons), 412 (Pleas in Response to Summons), 413 (Not Guilty Pleas—Notice of Trial), 414 (Guilty Pleas), 422 (Pleas in Response to Summons), 423 (Not Guilty Pleas—Notice of Trial), 424 (Guilty Pleas), 454 (Trial in Summary Cases), 462 (Trial *De Novo*), 470 (Procedures Related to License Suspension After Failure to Respond to Citation or Summons or Failure to Pay Fine and Costs), 702 (Aids in Imposing Sentence), 704 (Procedure at Time of Sentencing), 705.1 (Restitution), 706 (Fines or Costs), 1002 (Procedure in Summary Cases), and 1030 (Scope of Summary Municipal Court Traffic Division Rules), adoption of Pa.R.Crim.P. 454.1 (Sentencing in Summary Cases), 456.1 (Ability to Pay Determination), 456.2 (Commonwealth Request for Ability to Pay Hearing), 702.1 (Ability to Pay Determination), 705.2 (Fines—Sentencing), and 706.1 (Commonwealth Request for Ability to Pay Hearing), and rescission and replacement of Pa.R.Crim.P. 456 (Default Procedures: Restitution, Fines, and Costs) for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Joshua M. Yohe, Counsel
Criminal Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: (717) 231-9521
criminalrules@pacourts.us

All communications in reference to the proposal should be received by April 24, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced

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

By the Criminal Procedural Rules Committee

STEFANIE J. SALAVANTIS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART B. Citation Procedures

Rule 403. Contents of Citation.

[(A)](a) Every citation shall contain:

(1) the name and address of the organization, and badge number, if any, of the law enforcement officer;

(2) the name and address of the defendant;

(3) a notation if the defendant is under 18 years of age and whether the parents or guardians have been notified of the charge[(s)];

(4) the date and time when the offense is alleged to have been committed, provided however, if the day of the week is an essential element of the offense charged, such day must be specifically set forth;

(5) the place where the offense is alleged to have been committed;

(6) a citation of the specific section and subsection of the statute or ordinance allegedly violated, together with a summary of the facts sufficient to advise the defendant of the nature of the offense charged;

(7) the date of issuance;

(8) a notation if criminal laboratory services are requested in the case;

(9) a verification by the law enforcement officer that the facts set forth in the citation are true and correct to the officer's personal knowledge, or information and belief, and that any false statements therein are made subject to the penalties of [**the Crimes Code,**] 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and

(10) a certification that the citation complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* regarding confidential information and documents.

[(B)](b) The copy delivered to the defendant shall also contain a notice to the defendant **that**:

(1) [**that**] the original copy of the citation will be filed before the issuing authority of the magisterial district designated in the citation, the address and number of which shall be contained in the citation; and

(2) [**that**] the defendant shall, within [**10**] **30** days after issuance of the citation:

[(a)](i) plead not guilty by:

[(i)](A) notifying the proper issuing authority in writing of the plea and [**forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the citation, plus any additional fee required by law. If the amount is not specified, the defendant shall forward the sum of \$50 as**

collateral for appearance at trial] providing a current mailing address and telephone number; or

[(ii)](B) appearing before the proper issuing authority[,] **and entering the plea[, and depositing such collateral for appearance at trial as the issuing authority shall require. If the defendant cannot afford to pay the collateral specified in the citation or the \$50, the defendant must appear before the issuing authority to enter a plea];** or

[(b)](ii) plead guilty by:

[(i)](A) notifying the proper issuing authority in writing of the plea and forwarding an amount equal to the fine and costs when specified in the statute or ordinance, the amount of which shall be set forth in the citation; or

[(ii)](B) appearing before the proper issuing authority for the entry of the plea and imposition of sentence, when the fine and costs are not specified in the citation, **or when an installment payment plan is sought,** or when required to appear pursuant to Rules [409(B)(3), 414(B)(3), or 424(B)(3)] **409(b)(3), 414(b)(3), 424(b)(3);** or

[(c)](iii) appear before the proper issuing authority to request consideration for inclusion in an accelerated rehabilitative disposition program;

(3) [**that**] all checks forwarded for the fine and costs or for collateral shall be made payable to the magisterial district number set forth on the citation;

(4) [**that**] failure to respond to the citation as provided above within the time specified:

[(a)](i) shall result in the issuance of a summons when a violation of an ordinance or any parking offense is charged, or when the defendant is under 18 years of age, and in all other cases shall result in the issuance of a warrant for the arrest of the defendant; and

[(b)](ii) shall result in the suspension of the defendant's driver's license when a violation of the Vehicle Code is charged;

(5) [**that**] failure to indicate a plea when forwarding an amount equal to the fine and costs specified on the citation shall result in a guilty plea being recorded; and

(6) [**that,**] if the defendant is convicted or has pleaded guilty, the defendant may appeal within 30 days for a trial *de novo*.

Comment:

A law enforcement officer may prepare, verify, and transmit a citation electronically. The law enforcement officer contemporaneously must give the defendant a paper copy of the citation containing all the information required by this rule. Nothing in this rule is intended to require the defendant to sign the citation.

[**See**] **See** Rule 113.1 regarding the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and the requirements regarding filings and documents that contain confidential information.

[**Paragraph (A)(3)] Subdivision (a)(3)** requires the law enforcement officer who issues a citation to indicate on the citation if the defendant is a juvenile and, if so, whether the juvenile's parents were notified. [**See**] **See** [**the Judicial Code,**] 42 Pa.C.S. § 1522[, **concern-**

ing] (**requiring** parental notification in certain summary cases involving juveniles).

[**Paragraph (A)(8)] Subdivision (a)(8)** requires the law enforcement officer who issues a citation to indicate on the citation whether criminal laboratory services are requested in the case. This information is necessary to inform the magisterial district judge that, in addition to any fines, restitution, or costs, the magisterial district judge may be required to sentence the defendant to pay a criminal laboratory user fee. [**See**] **See** 42 Pa.C.S. § 1725.3 [**which requires that**] (**requiring** a defendant **to** be sentenced to pay a criminal laboratory user fee in certain specified cases when laboratory services are required to prosecute the case).

As provided in [**paragraph (B)(2)(b)(i)] subdivision (b)(2)(ii)(A)**, the defendant may plead guilty by mail only when the fine and costs are set forth in the citation. The law enforcement officer may specify the fine and costs in the citation only when the penalty provided by law does not include a possible sentence of imprisonment and the statute or ordinance fixes the specific amount for the fine.

[**Paragraph (B)(4)(a)] Subdivision (b)(4)(i)** provides for notice to the defendant who is under 18 years of age that a summons will be issued if the defendant fails to respond to the citation.

[**Paragraph (B)(4)(b)] Subdivision (b)(4)(ii)** provides notice to the defendant that his or her license will be suspended if the defendant fails to respond to the citation or summons within the time specified in the rules. [**See**] **See** 75 Pa.C.S. § 1533.

[**Paragraph (B)(5)] Subdivision (b)(5)** provides a uniform procedure for handling cases in which a defendant returns the fine and costs but fails to sign the citation and, therefore, does not indicate a plea. [**See**] **See** [**Rule**] **Pa.R.Crim.P.** 407.

[**Paragraph (B)(6) was amended in 2000 to make it clear**] **Subdivision (b)(6) is intended to make clear that a defendant** in a summary criminal case [**that the defendant**] may file an appeal for a trial *de novo* following the entry of a guilty plea. [**See**] **See** [**Rule**] **Pa.R.Crim.P.** 460 (Notice of Appeal).

It is intended that the notice to the defendant, required by [**paragraph (B)] subdivision (b)** to be on the copy of the citation delivered to the defendant, shall be simply worded so the plain meaning of the notice is easily understandable.

For consequences of defects in a citation, see Rule 109.

With regard to the "proper" issuing authority as used in these rules, see Rule 130.

[**See**] **See** Rule 401 for procedures for instituting cases in which there is a parking violation. When the parking violation information is electronically transmitted as permitted by Rule 401(A), only a summons is issued as provided in Rule 411.

[**Official Note: Previous rule, originally numbered Rule 133(a) and Rule 133(b), adopted January 31, 1970, effective May 1, 1970; renumbered Rule 53(a) and 53(b) September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective**

September 1, 1975; *Comment* revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 53 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; amended January 31, 1991, effective July 1, 1991; amended June 3, 1993, effective as to new citations printed on or after July 1, 1994; amended July 25, 1994, effective January 1, 1995; renumbered Rule 403 and *Comment* revised March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; *Comment* revised February 6, 2003, effective July 1, 2003; amended August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; amended June 1, 2018; effective July 1, 2018.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

Report explaining the June 3, 1993 amendments published with the Court's Order at 23 Pa.B. 2809 (June 19, 1993).

Report explaining the July 25, 1994 amendments published with Court's Order at 24 Pa.B. 4068 (August 13, 1994).

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

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order at 30 Pa.B. 1509 (March 18, 2000).

Final Report explaining the February 6, 2003 *Comment* revisions cross-referencing Rule 401 concerning electronic transmission of parking citations published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

Final Report explaining the August 7, 2003 amendments to paragraph (B)(4)(a) concerning juveniles published with the Court's Order at 33 Pa.B. 4289 (August 30, 2003).

Final Report explaining the January 26, 2007 amendments to paragraph (B)(2)(b)(ii) and revisions to the *Comment* published with the Court's Order at 37 Pa.B. 752 (February 17, 2007).

Amendments regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).]

PART B(1). Procedures When Citation Is Issued to Defendant

Rule 407. Pleas in Response to Citation.

Within [10] 30 days after issuance of a citation, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

Comment:

For the consequences of failure to respond as provided in this rule, see Rules 430 and 431.

To notify the issuing authority of the plea, the defendant should sign and return the citation. [**When**] **If** a defendant fails to sign the citation to indicate the plea, the issuing authority should record the unsigned citation as a guilty plea. [**See**] See [Rule 403(B)(5) Pa.R.Crim.P. 403(b)(5).

[**Official Note:** Previous Rule 57 adopted September 18, 1973, effective January 1, 1974; title of rule amended January 23, 1975, effective September 1, 1975; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 411-414 and 421-424. Present Rule 57 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 407 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

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

Rule 408. Not Guilty Pleas—Notice of Trial.

[(A)](a) A defendant may plead not guilty by:

(1) appearing before the issuing authority[,] **and** entering the plea[, **and depositing such collateral for appearance at trial as the issuing authority shall require**]; or

(2) notifying the issuing authority in writing of the plea and [**forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the citation, plus any additional fee required by law. If the fine and costs are not specified, the defendant shall forward the sum of \$50 as collateral for appearance at trial**] **providing a current mailing address and telephone number.**

[(B)](b) The issuing authority, upon receiving a plea of not guilty, shall:

(1) fix a date and hour for trial;

(2) notify the defendant and the law enforcement officer of the date and hour fixed for trial; and

(3) advise the defendant that failure to appear for trial shall constitute consent to trial in the defendant's absence and, if the defendant is found guilty, [**the collateral deposited shall be forfeited and applied toward the fine, costs, and restitution, and**] the defendant shall have the right to appeal within 30 days for a trial *de novo*.

Comment:

[**It is intended that the defendant will appear in person before the issuing authority to plead not guilty when the defendant cannot afford to deposit the amount of collateral specified in the citation or the \$50 when no amount is specified. A plea entered by mail must be accompanied by the full amount of collateral. See Rule 452. All checks deposited as collateral shall be made payable to the magisterial district number set forth on the citation.**]

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

[Paragraph (B)(3) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See] See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

[Official Note: Previous Rule 58, adopted September 18, 1973, effective January 1, 1974; amended to correct printing error June 28, 1976, effective immediately; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 58 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 408 and amended March 1, 2000, effective April 1, 2001; amended June 10, 2016, effective August 1, 2016.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

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

Final Report explaining the June 10, 2016 amendments clarifying that forfeited collateral may be applied to restitution published with the Court's Order at 46 Pa.B. 3235 (June 25, 2016).]

Rule 409. Guilty Pleas.

[(A)](a) A defendant may plead guilty by:

(1) notifying the issuing authority in writing of the plea and forwarding to the issuing authority an amount equal to the fine and costs specified in the citation; or

(2) appearing before the issuing authority for the entry of the plea and imposition of sentence when:

(i) the fine and costs are not specified in the citation **[or]**;

(ii) after receipt of notice that a guilty plea by mail has not been accepted by the issuing authority pursuant to **[paragraph (B)(3).] subdivision (b)(3); or**

(iii) the defendant is without the financial means immediately to pay the fine and costs specified in the citation and seeks an installment payment plan.

[(B)](b) When the defendant pleads guilty pursuant to **[paragraph (A)(1)] subdivision (a)(1):**

(1) The defendant **[must] shall** sign the guilty plea acknowledging that the plea is entered voluntarily and understandingly. **The defendant shall provide confirmation of a current mailing address and telephone number.**

(2) The issuing authority may issue a warrant for the arrest of the defendant as provided in Rules 430 and 431 if the amount forwarded with the plea is less than the amount of the fine and costs specified in the citation.

(3) Restrictions on the acceptance of guilty plea by mail:

[(a)](i) The issuing authority shall not accept a guilty plea that is submitted by mail when the offense carries a mandatory sentence of imprisonment.

[(b)](ii) In those cases in which the charge carries a possible sentence of imprisonment, the issuing authority may accept a guilty plea submitted by mail.

[(c)](iii) In any case in which the issuing authority does not accept a guilty plea submitted by mail, the issuing authority shall notify the defendant (1) that the guilty plea has not been accepted, (2) to appear personally before the issuing authority on a date and time certain, and (3) of the right to counsel. Notice of the rejection of the guilty plea by mail also shall be provided to the affiant.

[(C)](c) When the defendant is required to personally appear before the issuing authority to plead guilty pursuant to **[paragraph (A)(2)] subdivision (a)(2)**, the issuing authority shall:

(1) advise the defendant of the right to counsel when there is a likelihood of imprisonment and give the defendant, upon request, a reasonable opportunity to secure counsel;

(2) determine by inquiring of the defendant that the plea is voluntarily and understandingly entered;

(3) have the defendant sign the plea form with a representation that the plea is entered voluntarily and understandingly; **and**

(4) impose sentence **pursuant to Rule 454.1**, or, in cases in which the defendant may be sentenced to intermediate punishment, the issuing authority may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment**[; and]**.

[(5) provide for installment payments when a defendant who is sentenced to pay a fine and costs is without the financial means immediately to pay the fine and costs.]

Comment:

The rule **[was amended in 2007 to make it clear (1)] makes clear** that a defendant may not enter a guilty plea by mail **(1)** to an offense that carries a mandatory sentence of imprisonment**[, and (2) in] or (2) when the defendant is without the financial means immediately to pay the fine and costs. In** those cases in which the offense carries a possible sentence of imprisonment, the issuing authority has the discretion whether or not to accept a guilty plea submitted by mail.

Nothing in this rule is intended to require that an issuing authority should proceed as provided in **[paragraph (C)] subdivision (c)** when the defendant returns the written guilty plea and the fine and costs in person to the issuing authority's office pursuant to **[paragraphs (A)(1) and (B)] subdivisions (a)(1) and (b)**. The issuing authority's staff should record receipt of the plea and monies in the same manner as those received by mail.

[Paragraph (C)(4) was added in 2007 to permit Subdivision (c)(4) permits an issuing authority to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment. For example, under 42 Pa.C.S. § 9763 and § 9804, defendants may be sentenced to intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension) but only if they meet certain eligibility requirements, such as undergoing a drug and alcohol assessment. Often this information will not be available to the issuing authority at the time of sentencing, especially when the defendant appears personally to enter a guilty plea.

[When] If the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority is required to conduct the summary trial but may not sentence the defendant to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

[See] See Rule [454(F)] 454.1 for the information that must be included in the sentencing order when restitution is included in the sentence.

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

[Official Note: Previous Rule 59 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 75. Present Rule 59 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 409 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; Comment revised March 9, 2016, effective July 1, 2016.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

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

Final Report explaining the August 7, 2003 new Comment language concerning defendants under the age of 18 published with the Court's Order at 33 Pa.B. 4289 (August 30, 2003).

Final Report explaining the January 26, 2007 amendments to paragraphs (A)(2), (B)(3), and (C)(4) published with the Court's Order at 37 Pa.B. 752 (February 17, 2007).

Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4323 (August 3, 2013).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 454 restitution procedures published with the Court's Order at 46 Pa.B. 1532 (March 26, 2016).]

PART B(2). Procedures When Citation Filed

Rule 411. Procedures Following Filing of Citation— Issuance of Summons.

[(A)](a) Upon the filing of the citation, including receipt of electronically transmitted citation or parking violation information, the issuing authority shall issue a summons commanding the defendant to respond within [10] 30 days of receipt of the summons, unless the issuing authority has reasonable grounds to believe that the defendant will not obey a summons in which case an arrest warrant shall be issued. The summons shall be served as provided in these rules.

[(B)](b) A copy of the citation shall be served with the summons, except in cases charging parking violations when the parking violation information is electronically filed.

[(C)](c) In cases charging parking violations in which the parking violation information is electronically filed, the summons shall also include:

- (1) the date, time, and location of the parking violation;
- (2) a description of the vehicle and the license number; and
- (3) a description of the parking violation.

Comment:

No fine or costs should be specified in the summons in cases in which the issuing authority determines that there is a likelihood of imprisonment.

This rule facilitates the electronic transmission of parking violation information by (1) eliminating the requirement that a copy of the citation be served with the summons in cases in which the parking violation information is electronically filed pursuant to Rule 401(A), and (2) requiring additional information be added to the summons. [See] See [Rule] Pa.R.Crim.P. 401 (Proceedings in Summary Cases Charging Parking Violations). However, nothing in this rule or Rule 401 is intended to preclude a municipality from continuing to have its officers prepare a citation in addition to electronically transmitting the parking violation information.

[Official Note: Previous Rule 117, adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 431.

Present Rule 61 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended July 17, 1996, effective January 1, 1997; renumbered Rule 411 and *Comment* revised March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003.

Committee Explanatory Reports:

Final Report explaining the July 17, 1996 amendments published with the Court's Order at 26 Pa.B. 3629 (August 3, 1996).

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

Final Report explaining the February 6, 2003 amendments concerning electronic transmission of citation and parking violation information published with the Court's Order at 33 Pa.B. 969 (February 22, 2003).]

Rule 412. Pleas in Response to Summons.

Within [10] 30 days after receipt of a summons, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

Comment:

To notify the issuing authority of the plea, the defendant should sign and return the summons. When a defendant fails to sign the summons to indicate the plea, the issuing authority should record the unsigned summons as a guilty plea. [See] *See* [Rule 403(B)(5)] Pa.R.Crim.P. 403(b)(5).

For the consequences of failure to respond as provided in this rule, see Rule 430(A).

[**Official Note: Previous rule, originally numbered Rule 118 and 118(b), adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered as Rule 62 and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 441. Present Rule 62 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 412 and amended March 1, 2000, effective April 1, 2001.**

Committee Explanatory Reports:

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

Rule 413. Not Guilty Pleas—Notice of Trial.

[(A)](a) A defendant may plead not guilty by:

(1) appearing before the issuing authority[,] and entering the plea[, and depositing such collateral for appearance at trial as the issuing authority shall require]; or

(2) notifying the issuing authority in writing of the plea and [forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the citation, plus any additional fee required by law. If the fine and costs are not specified, the defendant shall forward the sum of \$50 as collateral for appearance at trial] providing a current mailing address and telephone number.

[(B)](b) The issuing authority, upon receiving a plea of not guilty, shall:

(1) fix a date and hour for trial;

(2) notify the defendant and the law enforcement officer of the date and hour fixed for the trial; and

(3) advise the defendant that failure to appear for trial shall constitute consent to trial in the defendant's absence and, if the defendant is found guilty, [the collateral deposited shall be forfeited and applied toward the fine, costs, and restitution, and] the defendant shall have the right to appeal within 30 days for a trial *de novo*.

Comment:

[It is intended that the defendant will appear in person before the issuing authority to plead not guilty when the defendant cannot afford to deposit the amount of collateral specified in the summons on or the \$50 when no amount is specified. A plea entered by mail must be accompanied by the full amount of collateral. *See* Rule 452. All checks deposited for collateral shall be made payable to the magisterial district number set forth on the summons.]

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

[Paragraph (B)(3) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. *See*] *See* 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

[**Official Note: Previous rule, originally numbered Rules 141 and 142, adopted January 31, 1970, effective May 1, 1970; combined, and renumbered Rule 63, and amended September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 454. Present Rule 63 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 413 and amended March 1, 2000, effective April 1, 2001; amended June 10, 2016, effective August 1, 2016.**

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. (February 16, 1991).

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

Final Report explaining the June 10, 2016 amendments clarifying that forfeited collateral may be applied to restitution published with the Court's Order at 46 Pa.B. 3235 (June 26, 2016).]

Rule 414. Guilty Pleas.

[(A)](a) A defendant may plead guilty by:

(1) notifying the issuing authority in writing of the plea and forwarding to the issuing authority an amount equal to the fine and costs specified in the summons; or

(2) appearing before the issuing authority for the entry of the plea and imposition of sentence when:

(i) the fine and costs are not specified in the summons [or];

(ii) after receipt of notice that a guilty plea by mail has not been accepted by the issuing authority pursuant to [paragraph (B)(3).] subdivision (b)(3); or

(iii) the defendant is without the financial means immediately to pay the fine and costs specified in the citation and seeks an installment payment plan.

[(B)](b) When the defendant pleads guilty pursuant to [paragraph (A)(1)] subdivision (a)(1):

(1) The defendant [must] shall sign the guilty plea acknowledging that the plea is entered voluntarily and understandingly. The defendant shall provide confirmation of a current mailing address and telephone number.

(2) The issuing authority may issue a warrant for the arrest of the defendant as provided in Rules 430 and 431 if the amount forwarded with the plea is less than the amount of the fine and costs specified in the summons.

(3) Restrictions on the acceptance of guilty plea by mail:

[(a)](i) The issuing authority shall not accept a guilty plea that is submitted by mail when the offense carries a mandatory sentence of imprisonment.

[(b)](ii) In those cases in which the charge carries a possible sentence of imprisonment, the issuing authority may accept a guilty plea submitted by mail.

[(c)](iii) In any case in which the issuing authority does not accept a guilty plea submitted by mail, the issuing authority shall notify the defendant (1) that the guilty plea has not been accepted, (2) to appear personally before the issuing authority on a date and time certain, and (3) of the right to counsel. Notice of the rejection of the guilty plea by mail also shall be provided to the affiant.

[(C)](c) When the defendant is required to personally appear before the issuing authority to plead guilty pursuant to [paragraph (A)(2)] subdivision (a)(2) the issuing authority shall:

(1) advise the defendant of the right to counsel when there is a likelihood of imprisonment and give the defendant, upon request, a reasonable opportunity to secure counsel;

(2) determine by inquiring of the defendant that the plea is voluntarily and understandingly entered;

(3) have the defendant sign the plea form with a representation that the plea is entered voluntarily and understandingly; **and**

(4) impose sentence **pursuant to Rule 454.1**, or, in cases in which the defendant may be sentenced to intermediate punishment, the issuing authority may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment[; **and**].

[(5) **provide for installment payments when a defendant who is sentenced to pay a fine and costs is without the financial means immediately to pay the fine and costs.**]

Comment:

The rule [**was amended in 2007 to make it clear (1)] makes clear** that a defendant may not enter a guilty plea by mail (1) to an offense that carries a mandatory sentence of imprisonment[, and (2) in] **or (2) when the defendant is without the financial means immediately to pay the fine and costs. In** those cases in which the offense carries a possible sentence of imprisonment, the issuing authority has the discretion whether or not to accept a guilty plea submitted by mail.

Nothing in this rule is intended to require that an issuing authority should proceed as provided in [**paragraph (C)] subdivision (c)** when the defendant returns the written guilty plea and the fine and costs in person to the issuing authority's office pursuant to [**paragraphs (A)(1) and (B)] subdivisions (a)(1) and (b)**. The issuing authority's staff should record receipt of the plea and monies in the same manner as those received by mail.

[**Paragraph (C)(4) was added in 2007 to permit Subdivision (c)(4) permits** an issuing authority to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment. For example, under 42 Pa.C.S. § 9763 and § 9804, defendants may be sentenced to intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension) but only if they meet certain eligibility requirements, such as undergoing a drug and alcohol assessment. Often this information will not be available to the issuing authority at the time of sentencing, especially when the defendant appears personally to enter a guilty plea.

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority is required to conduct the summary trial but may not sentence the defendant to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

[**See] See Rule [454(F)] 454.1** for the information that must be included in the sentencing order when restitution is included in the sentence.

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For arrest warrant procedures, see Rules 430 and 431.

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

[**Official Note:** Previous rule, originally numbered Rule 136, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 64 September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 84. Present Rule 64 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 414 and amended March 1, 2000, effective April 1, 2001; *Comment* revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; *Comment* revised July 17, 2013, effective August 17, 2013; *Comment* revised March 9, 2016, effective July 1, 2016.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

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

Final Report explaining the August 7, 2002 new *Comment* language concerning defendants under the age of 18 published with the Court's Order at 33 Pa.B. 4289 (August 30, 2003).

Final Report explaining the January 26, 2007 amendments to paragraphs (A)(2), (B)(3), and (C)(4) published with the Court's Order at 37 Pa.B. 752 (February 17, 2007).

Final Report explaining the July 17, 2013 *Comment* revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4323 (August 3, 2013).

Final Report explaining the March 9, 2016 *Comment* revision concerning the Rule 454 restitution procedures published with the Court's Order at 46 Pa.B. 1532 (March 26, 2016).]

PART C. Procedures in Summary Cases When Complaint Filed

Rule 422. Pleas in Response to Summons.

Within [10] 30 days after receipt of a summons, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

Comment:

To notify the issuing authority of the plea, the defendant should sign and return the summons. When a defendant fails to sign the summons to indicate the plea, the issuing authority should record the unsigned summons as a guilty plea. See [**Rule 403(B)(5)**] **Pa.R.Crim.P. 403(b)(5)**.

For the consequences of failure to respond as provided in this rule, see Rule 430(A).

[**Official Note:** Previous Rule 67, adopted September 18, 1973, effective January 1, 1974; amended May 26, 1977, effective July 1, 1977; amended April 26, 1979, effective July 1, 1979; *Comment* revised April 24, 1981, effective July 1, 1981; *Comment* revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 460, 461, and 462. Present Rule 67 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 422 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

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

Rule 423. Not Guilty Pleas—Notice of Trial.

[(A)](a) A defendant may plead not guilty by:

(1) appearing before the issuing authority[,] **and entering the plea[, and depositing such collateral for appearance at trial as the issuing authority shall require]**; or

(2) notifying the issuing authority in writing of the plea and [**forwarding as collateral for appearance at trial an amount equal to the fine and costs specified in the summons, plus any additional fee required by law. If the fine and costs are not specified, the defendant shall forward the sum of \$50 as collateral for appearance at trial] providing a current mailing address and telephone number.**

[(B)](b) The issuing authority, upon receiving a plea of not guilty, shall:

(1) fix a date and hour for trial;

(2) notify the defendant and the affiant of the date and hour fixed for the trial; and

(3) advise the defendant that failure to appear for trial shall constitute consent to trial in the defendant's absence and, if the defendant is found guilty, [**the collateral deposited shall be forfeited and applied toward the fine, costs, and restitution, and**] the defendant shall have the right to appeal within 30 days for a trial *de novo*.

Comment:

[**It is intended that the defendant will appear in person before the issuing authority to plead not guilty when the defendant cannot afford to deposit the amount of collateral specified in the summons or the \$50 when no amount is specified. A plea entered by mail must be accompanied by the full amount of collateral. See Rule 452. All checks for collateral shall be made payable to the magisterial district number set forth on the citation.]**

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offenses charged.

[Paragraph (B)(3) was amended in 2016 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See] See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

[Official Note: Previous Rule 68 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 68 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 423 and amended March 1, 2000, effective April 1, 2001; amended June 10, 2016, effective August 1, 2016.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

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

Final Report explaining the June 10, 2016 amendments clarifying that forfeited collateral may be applied to restitution published with the Court's Order at 46 Pa.B. 3235 (June 26, 2016).]

Rule 424. Guilty Pleas.

[(A)](a) A defendant may plead guilty by:

(1) notifying the issuing authority in writing of the plea and forwarding to the issuing authority an amount equal to the fine and costs specified in the summons; or

(2) appearing before the issuing authority for the entry of the plea and imposition of sentence [when] if:

(i) the fine and costs are not specified in the summons [or];

(ii) after receipt of notice that a guilty plea by mail has not been accepted by the issuing authority pursuant to [paragraph (B)(3).] subdivision (b)(3); or

(iii) the defendant is without the financial means immediately to pay the fine and costs specified in the citation and seeks an installment payment plan.

[(B)](b) When the defendant pleads guilty pursuant to [paragraph (A)(1)] subdivision (a)(1):

(1) The defendant [must] shall sign the guilty plea acknowledging that the plea is entered voluntarily and understandingly. The defendant shall provide confirmation of a current mailing address and telephone number.

(2) The issuing authority may issue a warrant for the arrest of the defendant as provided in Rules 430 and 431 if the amount forwarded with the plea is less than the amount of the fine and costs specified in the summons.

(3) Restrictions on the acceptance of guilty plea by mail:

[(a)](i) The issuing authority shall not accept a guilty plea that is submitted by mail when the offense carries a mandatory sentence of imprisonment.

[(b)](ii) In those cases in which the charge carries a possible sentence of imprisonment, the issuing authority may accept a guilty plea submitted by mail.

[(c)](iii) In any case in which the issuing authority does not accept a guilty plea submitted by mail, the issuing authority shall notify the defendant (1) that the guilty plea has not been accepted, (2) to appear personally before the issuing authority on a date and time certain, and (3) of the right to counsel. Notice of the rejection of the guilty plea by mail also shall be provided to the affiant.

[(C)](c) When the defendant is required to personally appear before the issuing authority to plead guilty pursuant to [paragraph (A)(2)] subdivision (a)(2), the issuing authority shall:

(1) advise the defendant of the right to counsel when there is a likelihood of imprisonment and give the defendant, upon request, a reasonable opportunity to secure counsel;

(2) determine by inquiring of the defendant that the plea is voluntarily and understandingly entered;

(3) have the defendant sign the plea form with a representation that the plea is entered voluntarily and understandingly; and

(4) impose sentence pursuant to Rule 454.1, or, in cases in which the defendant may be sentenced to intermediate punishment, the issuing authority may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment[; and],

[(5) provide for installment payments when a defendant who is sentenced to pay a fine and costs is without the financial means immediately to pay the fine and costs.]

Comment:

The rule [was amended in 2007 to make it clear (1)] makes clear that a defendant may not enter a guilty plea by mail (1) to an offense that carries a mandatory sentence of imprisonment[, and (2) in] or (2) when the defendant is without the financial means immediately to pay the fine and costs. In those cases in which the offense carries a possible sentence of imprisonment, the issuing authority has the discretion whether or not to accept a guilty plea submitted by mail.

Nothing in this rule is intended to require that an issuing authority should proceed as provided in [paragraph (C)] subdivision (c) when the defendant returns the written guilty plea and the fine and costs in person to the issuing authority's office pursuant to [paragraphs (A)(1) and (B)] subdivisions (a)(1) and (b). The issuing authority's staff should record receipt of the plea and monies in the same manner as those received by mail.

[Paragraph (C)(4) was added in 2007 to permit Subdivision (c)(4) permits an issuing authority to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment. For example, under 42 Pa.C.S. § 9763 and § 9804, defendants may be sentenced to intermediate punishment for certain offenses, including summary violations of

75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension) but only if they meet certain eligibility requirements, such as undergoing a drug and alcohol assessment. Often this information will not be available to the issuing authority at the time of sentencing, especially when the defendant appears personally to enter a guilty plea.

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority is required to conduct the summary trial but may not sentence the defendant to a term of imprisonment. *See* 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

[*See*] *See* Rule [454(F)] **454.1** for the information that must be included in the sentencing order when restitution is included in the sentence.

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

[**Official Note: Previous rule, originally numbered Rule 140, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 69 September 18, 1973, effective January 1, 1974; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 69 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 424 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; Comment revised March 9, 2016, effective July 1, 2016.**]

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

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

Final Report explaining the August 7, 2003 new Comment language concerning defendants under the age of 18 published with the Court's Order at 33 Pa.B. 4289 (August 30, 2003).

Final Report explaining the January 26, 2007 amendments to paragraphs (A)(2), (B)(3), and (C)(4) published with the Court's Order at 37 Pa.B. 752 (February 17, 2007).

Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4323 (August 3, 2013).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 454 restitution procedures published with the Court's Order at 46 Pa.B. 1532 (March 26, 2016).]

PART E. General Procedures in Summary Cases

Rule 454. Trial in Summary Cases.

[(A)](a) Immediately prior to trial in a summary case:

(1) the defendant shall be advised of the charges in the citation or complaint;

(2) if, in the event of a conviction, there is a reasonable likelihood of a sentence of imprisonment or probation, the defendant shall be advised of the right to counsel and

[(a)](i) upon request, the defendant shall be given a reasonable opportunity to secure counsel, or

[(b)](ii) if the defendant is without financial resources or is otherwise unable to employ counsel, counsel shall be assigned as provided in Rule 122; and

(3) the defendant shall enter a plea.

[(B)](b) If the defendant pleads guilty, the issuing authority shall impose sentence. If the defendant pleads not guilty, the issuing authority shall try the case in the same manner as trials in criminal cases are conducted in the courts of common pleas when jury trial has been waived; however, in all summary cases arising under the Vehicle Code or local traffic ordinances, the law enforcement officer observing the defendant's alleged offense may, but shall not be required to, appear and testify against the defendant. In no event shall the failure of the law enforcement officer to appear, by itself, be a basis for dismissal of the charges against the defendant.

[(C)](c) The attorney for the Commonwealth may appear and assume charge of the prosecution. [**When**] **If** the violation of an ordinance of a municipality is charged, an attorney representing that municipality, with the consent of the attorney for the Commonwealth, may appear and assume charge of the prosecution. [**When**] **If** no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

[(D)](d) The verdict [**and sentence, if any,**] shall be announced in open court immediately upon the conclusion of the trial[, **except as provided in paragraph (E)**].

(e) Any sentence shall be imposed pursuant to Rule 454.1. The issuing authority may delay imposing sentence pending a determination of the defendant's ability to pay pursuant to Rules 454.1 and 456.1.

[(E)](f) If the defendant may be sentenced to intermediate punishment, the issuing authority may delay imposing sentence pending confirmation of the defendant's eligibility for intermediate punishment.

[(F)] **At the time of sentencing, the issuing authority shall:**

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

(a) the amount of the fine and the obligation to pay costs;

(b) the amount of restitution ordered, including

(i) the identity of the payee(s),

(ii) to whom the restitution payment shall be made, and

(iii) whether any restitution has been paid and in what amount; and

(c) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the issuing authority may provide for installment payments and shall state the date on which each installment is due.

(2) advise the defendant of the right to appeal within 30 days for a trial *de novo* in the court of common pleas, and that if an appeal is filed:

(a) the execution of sentence will be stayed and the issuing authority may set bail or collateral; and

(b) the defendant must appear for the *de novo* trial or the appeal may be dismissed;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period, and advise that, if the defendant fails to appear on that date, a warrant for the defendant's arrest will be issued; and

(4) issue a written order imposing sentence, signed by the issuing authority. The order shall include the information specified in paragraphs (F)(1) through (F)(3), and a copy of the order shall be given to the defendant.]

Comment:

No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002)[,]; *Scott v. Illinois*, 440 U.S. 367 (1979)[,]; and *Argersinger v. Hamlin*, 407 U.S. 25 (1972). [See] See also [Rules] Pa.R.Crim.P. 121 and 122.

The affiant may be permitted to withdraw the charges pending before the issuing authority. [See] See [Rule] Pa.R.Crim.P. 457 (Withdrawal of Charges in Summary Cases).

[Paragraph (F)(2)(b) is included in the rule in light of *North v. Russell*, 427 U.S. 328 (1976). For the procedures for taking, perfecting, and handling an appeal, see Rules 460, 461, and 462.]

As the judicial officer presiding at the summary trial, the issuing authority controls the conduct of the trial generally. When an attorney appears on behalf of the Commonwealth or on behalf of a municipality pursuant to [paragraph (C)] subdivision (c), the prosecution of the case is under the control of that attorney. When no attorney appears at the summary trial on behalf of the Commonwealth, or a municipality, the issuing authority may ask questions of any witness who testifies, and the affiant may request the issuing authority to ask specific questions. In the appropriate circumstances, the issuing

authority may also permit the affiant to question [Commonwealth] the Commonwealth's witnesses, cross-examine defense witnesses, and make recommendations about the case to the issuing authority.

Although the scheduling of summary trials is left by the rules to the discretion of the issuing authority, it is intended that trial will be scheduled promptly upon receipt of a defendant's plea or promptly after a defendant's arrest. [When] If a defendant is incarcerated pending a summary trial, it is incumbent upon the issuing authority to schedule trial for the earliest possible time.

[When] If the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority [is required to] shall conduct the summary trial but [may] shall not sentence the defendant to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

[Under paragraph (F)(2)(a), the issuing authority should explain to the defendant that if an appeal is filed, any sentence, including imprisonment, fines, or restitution, will be stayed.

When setting the specific date for the defendant to appear for execution of a sentence of imprisonment pursuant to paragraph (F)(3), the issuing authority should set the earliest possible date for sentencing after the appeal period expires.

When a defendant has waived the stay of the sentence of imprisonment pursuant to Rule 461, the issuing authority may fix the commencement date of the sentence to be the date of conviction, rather than after the 30-day stay period has expired. The defendant, of course, still would be able to pursue an appeal under Rules 460—462.

For the statutory authority to sentence a defendant to pay a fine, see 42 Pa.C.S. § 9726.

For the statutory authority to sentence a defendant to pay restitution, see 42 Pa.C.S. § 9721(c) and 18 Pa.C.S. § 1106(c). See also 18 Pa.C.S. § 1106(c)(2)(iii), which prohibits the court from ordering the incarceration of a defendant for failure to pay restitution if the failure results from the defendant's inability to pay.

Before imposing both a fine and restitution, the issuing authority must determine that the fine will not prevent the defendant from making restitution to the victim. See 42 Pa.C.S. §§ 9726(c)(2) and 9730(b)(3).

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

Paragraph (E) permits an issuing authority to delay imposing sentence in summary cases in order to investigate a defendant's eligibility for intermediate punishment. For example, under 42 Pa.C.S. § 9763 and § 9804, defendants may be sentenced to intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension) but only if they meet certain eligibility requirements, such as undergoing a drug and alcohol assessment. Often this information will not be available to the issuing authority at the time of sentencing.

See Rule 456 for the procedures when a defendant defaults in the payment of restitution, fines, or costs.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

A defendant should be encouraged to seek an adjustment of a payment schedule for restitution, fines, or costs before a default occurs. See Rule 456(A).

Official Note: Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; *Comment* revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; *Comment* revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and *Comment* revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; *Comment* revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; *Comment* revised July 17, 2013, effective August 17, 2013; amended March 9, 2016, effective July 1, 2016.

Committee Explanatory Reports:

Final Report explaining the October 28, 1994 amendments published with the Court's Order at 24 Pa.B. 5841 (November 26, 1994).

Final Report explaining the April 18, 1997 Comment revision cross-referencing new Rule 87 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

Final Report explaining the October 1, 1997 amendments to paragraph (E) and the Comment concerning the procedures at the time of sentencing published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

Final Report explaining the February 13, 1998 Comment revision concerning questioning of witnesses published with the Court's Order at 28 Pa.B. 1127 (February 28, 1998).

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

Final Report explaining the February 28, 2003 amendments published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the August 7, 2003 changes to the Comment concerning defendants under the age of 18 published with the Court's Order at 33 Pa.B. 4293 (August 30, 2003).

Final Report explaining the March 26, 2004 changes concerning *Alabama v. Shelton* published with the Court's Order at 34 Pa.B. 1929 (April 10, 2004).

Final Report explaining the January 26, 2007 amendments adding paragraph (E) concerning intermediate punishment published with the Court's Order at 37 Pa.B. 752 (February 17, 2007).

Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4323 (August 3, 2013).

Final Report explaining the March 9, 2016 amendments to paragraph (F) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 3235 (March 26, 2016).]

The following text is entirely new.

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

Rule 454.1. Sentencing in Summary Cases.

(a) *Order.* The issuing authority shall issue and sign a written order imposing sentence including the information specified in subdivision (b) and any financial obligations and payment schedule. A copy of the order shall be given to the defendant.

(b) *Advisement of Rights.* The issuing authority shall advise the defendant of the right to appeal within 30 days for a trial *de novo* in the court of common pleas, and, if an appeal is filed:

(1) the execution of sentence will be stayed and the issuing authority may set bail or collateral; and

(2) the defendant must appear for the *de novo* trial or the appeal may be dismissed.

(c) *Imprisonment.* If a sentence of imprisonment is imposed, the issuing authority shall direct the defendant to appear for the execution of sentence on a date certain and, if the defendant fails to appear on that date, a warrant for the defendant's arrest shall be issued unless the defendant appeals pursuant to Rule 460.

(d) *Intermediate Punishment.* If the defendant may be sentenced to intermediate punishment, the issuing authority may delay imposing sentence pending confirmation of the defendant's eligibility for intermediate punishment.

(e) *Discretionary Fines and Costs.* In deciding the amount of any discretionary fines or discretionary costs to be imposed and whether the defendant is unable to pay in a single remittance, the issuing authority shall first determine the defendant's ability to pay pursuant to Rule 456.1 unless the defendant waives that determination.

(f) *Mandatory Fines and Costs.* In deciding whether the defendant is unable to pay mandatory fines and mandatory costs in a single remittance, the issuing authority shall first determine the defendant's ability to pay pursuant to Rule 456.1 unless the defendant waives that determination.

(g) *Restitution.* In deciding whether the defendant is unable to pay restitution in a single remittance, the issuing authority shall first determine the defendant's ability to pay pursuant to Rule 456.1 unless the defendant waives that determination.

(h) *Financial Obligations.* If the issuing authority determines that a defendant does not have an inability to pay all fines, costs, and restitution in a single remittance or the defendant waives that determination, the issuing authority shall state:

- (1) the amount of the fine and costs;
- (2) the amount of restitution, including:
 - (i) the identity of the payee,

(ii) to whom the restitution payment shall be made, and

(iii) whether any restitution has been paid and in what amount; and

(3) the date on which payment is due.

(i) *Inability to Pay.* If the issuing authority determines that a defendant has an inability to pay all fines, costs, and restitution in a single remittance, the court may establish a payment schedule for any fines, costs, and restitution based upon the defendant's ability to pay that:

(1) states the date on which each installment is due; and

(2) advises the defendant of the procedures in Rule 456 in the event of any default in payment.

Comment:

No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002); *Scott v. Illinois*, 440 U.S. 367 (1979); *Argersinger v. Hamlin*, 407 U.S. 25 (1972). See also Pa.R.Crim.P. 121 and 122.

If the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the summary trial but shall not sentence the defendant to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

Pursuant to subdivision (b), the issuing authority shall explain to the defendant that if an appeal is filed, any sentence, including imprisonment, fines, or restitution, will be stayed. Subdivision (b) is included in the rule in light of *North v. Russell*, 427 U.S. 328 (1976). For the procedures for taking, perfecting, and handling an appeal, see Rules 460, 461, and 462.

When setting the specific date for the defendant to appear for execution of a sentence of imprisonment pursuant to subdivision (c), the issuing authority should set the earliest possible date for sentencing after the appeal period expires. If a defendant has waived the stay of the sentence of imprisonment pursuant to Rule 461, the issuing authority may fix the commencement date of the sentence to be the date of conviction, rather than after the 30-day stay period has expired. The defendant remains able to pursue an appeal under Rules 460–462.

For the statutory authority to sentence a defendant to pay a fine, see 42 Pa.C.S. § 9726. For the statutory authority to sentence a defendant to pay restitution, see 42 Pa.C.S. § 9721(c) and 18 Pa.C.S. § 1106(c). See also 18 Pa.C.S. § 1106(c)(2)(iii) (prohibiting the court from ordering the incarceration of a defendant for failure to pay restitution if the failure results from the defendant's inability to pay).

Before imposing both a fine and restitution, the issuing authority shall determine whether the fine will prevent the defendant from making restitution to the victim. See 42 Pa.C.S. §§ 9726(c)(2) and 9730(b)(3).

Certain costs are mandatory and shall be imposed. See, e.g., 18 P.S. § 11.1101. For the manner of distribution of any funds applied to the outstanding restitution, fees, fines, and costs owed by the defendant, see 204 Pa. Code § 29.353 (General Principles).

Subdivision (d) permits an issuing authority to delay imposing sentence in summary cases in order to investigate a defendant's eligibility for intermediate punishment. For example, under 42 Pa.C.S. § 9763 and § 9804, defendants may be sentenced to intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension) but only if they meet certain eligibility requirements, such as undergoing a drug and alcohol assessment. Often this information will not be available to the issuing authority at the time of sentencing.

Subdivision (i) is intended to implement 42 Pa.C.S. § 9730(b)(3)(i). See Rule 456 for the procedures when a defendant defaults in the payment of restitution, fines, or costs.

[Rule 456. Default Procedures: Restitution, Fines, and Costs.

(A) When a defendant advises the issuing authority that a default on a single remittance or installment payment of restitution, fines, or costs is imminent, the issuing authority may schedule a hearing on the defendant's ability to pay. If a new payment schedule is ordered, the order shall state the date on which each payment is due, and the defendant shall be given a copy of the order.

(B) If a defendant defaults on the payment of fines and costs, or restitution, as ordered, the issuing authority shall notify the defendant in person or by first class mail that, unless within 10 days of the date on the default notice, the defendant pays the amount due as ordered, or appears before the issuing authority to explain why the defendant should not be imprisoned for nonpayment as provided by law, a warrant for the defendant's arrest may be issued.

(C) If the defendant appears pursuant to the 10-day notice in paragraph (B) or following an arrest for failing to respond to the 10-day notice in paragraph (B), the issuing authority shall conduct a hearing immediately to determine whether the defendant is financially able to pay as ordered.

(1) If the hearing cannot be held immediately, the issuing authority shall release the defendant on recognizance unless the issuing authority has reasonable grounds to believe that the defendant will not appear, in which case, the issuing authority may set collateral as provided in Rule 523.

(2) If collateral is set, the issuing authority shall state in writing the reason(s) why any collateral other than release on recognizance has been set and the facts that support a determination that the defendant has the ability to pay monetary collateral.

(3) If collateral is set and the defendant does not post collateral, the defendant shall not be detained without a hearing longer than 72 hours or the close of the next business day if the 72 hours expires on a non-business day.

(D) When a defendant appears pursuant to the notice in paragraph (B) or pursuant to an arrest warrant issued for failure to respond to the notice as provided in paragraph (C):

(1) upon a determination that the defendant is financially able to pay as ordered, the issuing authority may impose any sanction provided by law.

(2) Upon a determination that the defendant is financially unable to pay as ordered, the issuing authority may order a schedule or reschedule for installment payments, or alter or amend the order as otherwise provided by law.

(3) At the conclusion of the hearing, the issuing authority shall:

(a) if the issuing authority has ordered a schedule of installment payments or a new schedule of installment payments, state the date on which each installment payment is due;

(b) advise the defendant of the right to appeal within 30 days for a hearing *de novo* in the court of common pleas, and that if an appeal is filed:

(i) the execution of the order will be stayed and the issuing authority may set bail or collateral; and

(ii) the defendant must appear for the hearing *de novo* in the court of common pleas or the appeal may be dismissed;

(c) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(d) issue a written order imposing sentence, signed by the issuing authority. The order shall include the information specified in paragraphs (D)(3)(a) through (D)(3)(c), and a copy of the order shall be given to the defendant.

(E) A defendant may appeal an issuing authority's determination pursuant to this rule by filing a notice of appeal within 30 days of the issuing authority's order. The appeal shall proceed as provided in Rules 460, 461, and 462.

Comment:

The purpose of this rule is to provide the procedures governing defaults in the payment of restitution, fines, and costs.

Although most of this rule concerns the procedures followed by the issuing authority after a default occurs, paragraph (A) makes it clear that a defendant should be encouraged to seek a modification of the payment order when the defendant knows default is likely, but before it happens. For fines and costs, see 42 Pa.C.S. § 9730(b)(3).

An issuing authority may at any time alter or amend an order of restitution. See 18 Pa.C.S. § 1106(c)(2) and (3).

When a defendant defaults on a payment of restitution, fines, or costs, paragraph (B) requires the issuing authority to notify the defendant of the default, and to provide the defendant with an opportunity to pay the amount due or appear within 10 days to explain why the defendant should not be imprisoned for nonpayment. Notice by first class mail is considered complete upon mailing to the defendant's last known address. See Rule 430(B)(4).

Except in cases under the Public School Code of 1949, 24 P.S. § 1-102, *et seq.*, in which the defendant is at least 15 years of age but not yet 17, if the defendant is under 18 years of age, the notice in paragraph (B) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Code of 1949, 24 P.S. § 1-102, *et seq.*; has attained the age of 15 but is not yet 17; and has failed to pay the fine, the issuing authority must issue the notice required by paragraph (B) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority may refer the defendant for commencement of dependency proceedings under 42 Pa.C.S. § 6303(a)(1). See 24 P.S. § 13-1333.3(f)(2) that provides for the adoption of a local policy for the referral of a case where a child has failed to satisfy a fine or costs to a juvenile probation officer for the commencement of dependency proceedings.

If the defendant is 18 years or older when the default in payment occurs, the issuing authority must proceed under these rules.

Pursuant to paragraph (C), the issuing authority must conduct a default hearing when a defendant responds to the 10-day notice as provided in paragraph (B), or when the defendant is arrested for failing to respond to the 10-day notice. If the default hearing cannot be held immediately, the issuing authority may set collateral as provided in Rule 523. However, the issuing authority should only set monetary collateral when he or she has determined that less restrictive conditions of release will not be effective in ensuring the defendant's appearance.

Under paragraph (D)(1), when the issuing authority determines that a defendant is able to pay as ordered, the issuing authority may, as provided by law, impose imprisonment or other sanctions. In addition, delinquent restitution, fines, or court costs may be turned over to a private collection agency. See 42 Pa.C.S. §§ 9730(b)(2) and 9730.1(a).

When a defendant is in default of an installment payment, the issuing authority on his or her own motion or at the request of the defendant or the attorney for the Commonwealth must schedule a rehearing to determine the cause of the default. Before an issuing authority may impose a sentence of imprisonment as provided by law for nonpayment of restitution, fines, or costs, a hearing or rehearing must be held whenever a defendant alleges that his or her ability to pay has been diminished. See 42 Pa.C.S. § 9730(b). No defendant may

be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. *See Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). *See also Commonwealth v. Farmer*, 466 A.2d 677 (Pa. Super. 1983) (Whenever there is a likelihood in a proceeding that imprisonment will be imposed, counsel must be assigned) and (*Commonwealth v. Spontarelli*, 791 A.2d 1254 (Pa. Cmmw. 2002) (defendant is entitled to appointed counsel when tried for violation of municipal ordinance that permits imprisonment upon default of payment of the fine). *See also* Rules 121 and 122 (dealing with appearance or waiver of counsel).

When a rehearing is held on a payment schedule for fines or costs, the issuing authority may extend or accelerate the payment schedule, leave it unaltered, or sentence the defendant to a period of community service, as the issuing authority finds to be just and practicable under the circumstances. *See* 42 Pa.C.S. § 9730(b)(3).

This rule contemplates that when there has been an appeal pursuant to paragraph (E), the case would return to the issuing authority who presided at the default hearing for completion of the collection process.

Nothing in this rule is intended to preclude an issuing authority from imposing punishment for indirect criminal contempt when a defendant fails to pay fines and costs in accordance with an installment payment order, 42 Pa.C.S. §§ 4137(a)(4), 4138(a)(3), and 4139(a)(3), or fails to pay restitution, 42 Pa.C.S. § 4137(a)(3). Separate Rules of Criminal Procedure govern contempt adjudications. *See* Chapter 1 Part D.

Official Note: Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; *Comment* revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; *Comment* revised August 7, 2003, effective July 1, 2004; amended March 3, 2004, effective July 1, 2004; *Comment* revised April 1, 2005, effective October 1, 2005; *Comment* revised September 21, 2012, effective November 1, 2012; *Comment* revised January 17, 2013, effective May 1, 2013; amended April 10, 2015, effective July 10, 2015; *Comment* revised December 21, 2018, effective May 1, 2019.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

Final Report explaining the July 2, 1999 amendments to paragraph (C) published with the Court's Order at 29 Pa.B. 3718 (July 17, 1999).

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

Final Report explaining the August 7, 2003 changes to the Comment concerning failure to pay

and juveniles published with the Court's Order at 33 Pa.B. 4293 (August 30, 2003).

Final Report explaining the March 3, 2004 amendment to paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. 2213 (April 16, 2005).

Final Report explaining the September 21, 2012 Comment revision correcting the typographical error in the fourth paragraph published with the Court's Order at 42 Pa.B. 6247 (October 6, 2012).

Final Report explaining the January 17, 2013 revisions of the Comment concerning the Public School Code of 1949 published with the Court's Order at 43 Pa.B. 654 (February 2, 2013).

Final Report explaining the April 10, 2015 amendments concerning the setting of collateral published with the Court's Order at 45 Pa.B. 2040 (April 25, 2015).

Final Report explaining the December 21, 2018 revision of the Comment concerning commencement of dependency proceedings published with the Court's Order at 49 Pa.B. 196 (January 12, 2019).]

The following text is entirely new.

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

Rule 456. Default of Payment of Costs, Fines, or Restitution.

(a) *Ability to Pay Hearing.* The court shall schedule a hearing to determine a defendant's ability to pay outstanding costs, fines, or restitution imposed as a result of a sentence if:

- (1) a defendant has defaulted by failing to timely pay the amount due;
- (2) a defendant has advised the court prior to the due date that timely payment is not possible; or

(3) a defendant's delinquent account was previously turned over to a private collection agency or the county's collection enforcement unit and the defendant has requested a hearing. The defendant shall be responsible for notifying the collection entity that a hearing has been requested.

(b) *Hearing Notice.* Notice of the ability to pay hearing shall be provided to the defendant in person or by first class mail, and advise the defendant:

(1) If a defendant has defaulted, unless the defendant pays the amount due as ordered within ten days of the date on the hearing notice, the defendant shall appear at the hearing before the issuing authority to explain why the defendant should not be imprisoned for nonpayment;

(2) The defendant has the burden of proving an inability to pay;

(3) The failure to appear at the hearing may result in the issuance of a bench warrant for the defendant's arrest; and

(4) The failure to appear at the hearing may result in the delinquent account being turned over to a private collection agency or the county's collection enforcement unit, and, if the delinquent account was previously turned

over to a private collection agency or the county's collection enforcement unit, collection efforts may resume.

(c) *Hearing.*

(1) When a defendant appears before the issuing authority pursuant to the hearing notice or following arrest on the bench warrant pursuant to subdivision (b)(2), the issuing authority shall conduct a hearing to determine the defendant's ability to pay.

(2) If a hearing cannot be held immediately, the issuing authority shall release the defendant on recognizance unless the issuing authority has reasonable grounds to believe that the defendant will not appear, in which case, the issuing authority may set collateral as provided in Rule 523 subject to the following:

(i) If collateral is set, the issuing authority shall state in writing the reason(s) why any collateral other than release on recognizance has been set and the facts that support a determination that the defendant has the ability to pay monetary collateral.

(ii) If collateral is set and the defendant does not post collateral, the defendant shall not be detained without a hearing longer than 72 hours or the close of the next business day if the 72 hours expires on a non-business day.

(d) *Determination.* The issuing authority shall determine a defendant's ability to pay pursuant to Rule 456.1.

(1) If the defendant is in default and the court determines the defendant is able to pay outstanding costs, fines, and restitution, as imposed, the court may permit the defendant to pay the outstanding amount due or the court may enter an order for wage attachment, turn the delinquent account over for collections, or, as provided by law, impose imprisonment or other sanctions.

(2) If the court determines the defendant is unable to pay outstanding costs, fines, and restitution, as imposed, the court:

(i) may order a new payment plan for installments reasonably calculated to the defendant's ability to pay;

(ii) may re-sentence the defendant to a period of community service;

(iii) may reduce or waive any fines and costs, except costs imposed under 18 P.S. § 11.1101, to the extent the defendant would be unable to pay in a single remittance or pursuant to a new payment schedule as provided for in subdivision (d)(2)(i); and

(iv) shall waive any existing collection fee not previously collected from the defendant.

(e) A defendant may appeal an issuing authority's determination pursuant to this rule by filing a notice of appeal within 30 days of the issuing authority's order. The appeal shall proceed as provided in Rules 460, 461, and 462.

Comment:

The purpose of this rule is to provide the procedures governing defaults in the payment of restitution, fines, and costs. See 42 Pa.C.S. § 9730(b). For a court's ability to reduce or waive fines and costs see 42 Pa.C.S. § 9730(b)(3)(ii).

An issuing authority may at any time alter or amend an order of restitution. See 18 Pa.C.S. § 1106(c)(2) and (3).

When a defendant defaults on a payment of restitution, fines, or costs, subdivision (b)(1) requires the issuing authority to notify the defendant of the default, and to provide the defendant with an opportunity to pay the amount due or appear within ten days to explain why the defendant should not be imprisoned for nonpayment. Notice by first class mail is considered complete upon mailing to the defendant's last known address. See Pa.R.Crim.P. 430(B)(4).

Except in cases under the Public School Code of 1949, 24 P.S. §§ 1-102, *et seq.*, in which the defendant is at least 13 years of age but not yet 17, if the defendant is under 18 years of age, the notice required by subdivision (b)(1) must inform the defendant and the defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the ten-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Act of 1949, 24 P.S. §§ 1-102, *et seq.*; has attained the age of 13 but is not yet 17; and has failed to pay the fine, the issuing authority must issue the notice required by subdivision (b)(1) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and the defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the ten-day time period, the issuing authority may allege the defendant dependent under 42 Pa.C.S. § 6303(a)(1). Pursuant to 24 P.S. § 13-1333(b)(2), the defendant's failure to pay is not a delinquent act and the issuing authority should not certify notice of the failure to pay to the common pleas court.

If the defendant is 18 years or older when the default in payment occurs, the issuing authority shall proceed under these rules.

Pursuant to subdivision (c), the issuing authority must conduct a hearing when a defendant responds to the ten-day notice as provided in subdivision (b)(1), or when the defendant is arrested for failing to respond to the ten-day notice. If the hearing cannot be held immediately, the issuing authority may set collateral as provided in Rule 523. However, the issuing authority should only set monetary collateral when the issuing authority has determined that less restrictive conditions of release will not be effective in ensuring the defendant's appearance.

Pursuant to subdivision (d)(1), if a defendant is in default and the issuing authority determines that the defendant is able to pay as ordered, the issuing authority may, as provided by law, impose imprisonment or other sanctions. Before an issuing authority may impose a sentence of imprisonment as provided by law for nonpayment of restitution, fines, or costs, a hearing or rehearing must be held whenever a defendant alleges that his or her ability to pay has been diminished. See 42 Pa.C.S. §§ 9730(b)(1)-(b)(2). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at the default hearing. See Pa.R.Crim.P. 122(A)(1) ("Counsel shall be appointed. . . in all summary cases, for all defendants who are without financial resources or who are otherwise unable to employ counsel when there is a likelihood that imprisonment will be imposed. . ."); *Alabama v. Shelton*, 535 U.S. 654 (2002);

Scott v. Illinois, 440 U.S. 367 (1979). See also Pa.R.Crim.P. 121 (waiver of counsel). In addition, delinquent restitution, fines, or costs may be turned over to a private collection agency. See 42 Pa.C.S. §§ 9730(b)(2) and 9730.1(a).

If a defendant is in default of an installment payment, the issuing authority on his or her own motion or at the request of the defendant or the attorney for the Commonwealth must schedule a rehearing to determine the cause of the default.

When a rehearing is held on a payment schedule for fines or costs, and restitution, the issuing authority may extend or accelerate the payment schedule, leave it unaltered, or sentence the defendant to a period of community service, as the issuing authority finds to be just and practicable under the circumstances. See 42 Pa.C.S. § 9730(b)(3).

This rule contemplates that when there has been an appeal pursuant to subdivision (e), the case would remain with the clerk of courts for collection.

Nothing in this rule is intended to preclude an issuing authority from imposing punishment for indirect criminal contempt when a defendant fails to pay fines and costs in accordance with an installment payment order, 42 Pa.C.S. §§ 4137(a)(4), 4138(a)(3), and 4139(a)(3), or fails to pay restitution, 42 Pa.C.S. § 4137(a)(3). Separate Rules of Criminal Procedure govern contempt adjudications. See Chapter 1 Part D.

The following text is entirely new.

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

Rule 456.1. Ability to Pay Determination.

(a) *Statement of Financial Ability.* For the purposes of determining a defendant’s ability to pay fines, costs, and restitution, the defendant shall complete and provide the issuing authority a statement of financial ability, as set forth in subdivision (f).

(b) *Evidence.* In addition to the statement of financial ability, the issuing authority may require the defendant to present documents or other evidence to verify the defendant’s financial ability.

(c) *Presumption—Single Remittance.* A defendant is presumed to be unable to pay fines, costs, and restitution in a single remittance if the defendant:

(1) receives needs-based public assistance including, but not limited to, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Supplemental Security Income (SSI), or Temporary Assistance to Needy Families (TANF); or

(2) meets the following income and asset requirement:

(i) gross income (i.e., before taxes and other deductions) that is 200% or less than the federal poverty guidelines for the party’s household size; and

(ii) assets less than \$10,000, excluding the party’s home and one vehicle; or

(3) is represented by a Public Defender or other appointed counsel.

(d) *No Presumption.* The presumption set forth in subdivision (c) shall be inapplicable if:

(1) a defendant willfully fails to complete and provide the issuing authority with a statement of financial ability; or

(2) the issuing authority deems the information contained in the statement of financial ability to be inaccurate or misstated.

(e) *Unable to Pay.* A defendant shall be unable to pay fines, costs, and restitution if it would cause the defendant to suffer a substantial financial hardship, which means the defendant would be unable to fully meet their basic human needs or obligations including, but not limited to, nutrition, housing, utilities, health, transportation, care of dependents, or other areas of essential need, by based upon:

(1) the party’s gross income, assets, and expenses;

(2) the number of minor children or adult children, who are incapable of self-support due to a physical or mental disability, that the party is supporting, including a child support obligation;

(3) employment history;

(4) other available financial resources, including resources from individuals who have a duty of support to the party; and

(5) other factors affecting the party’s income, assets, or expenses.

(f) *Statement of Financial Ability Form.* The statement of financial ability required by subdivision (b) shall be substantially in the following form:

(Caption)

Statement of Financial Ability

Defendant’s Name: _____
First Middle Last

Residence: _____

City, State, Zip: _____

Check the box if you are currently without a house or apartment.

Do you currently receive one or more of the following public benefits?

- Supplemental Nutrition Assistance Program (SNAP) (food stamps)
- Medicaid
- Supplemental Security Income (SSI) (Not Social Security Disability Insurance (SSDI))
- Temporary Assistance to Needy Families (TANF)
- Public Housing or Section 8 Housing
- Needs-based VA Pension

VERIFICATION

I understand that I have a continuing obligation to inform the court of an improvement in my financial circumstances that would permit me to pay fines, costs, and restitution in this case.

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

Date

Defendant's Signature

Comment:

This rule is applicable to all summary cases including those in the Philadelphia Municipal Court as well as summary appeals in the court of common pleas.

The burden is on the defendant to provide the issuing authority with information about the defendant's financial ability. In determining whether the defendant has the ability to pay, the issuing authority must consider the totality of the defendant's financial resources and the nature of the burden that payment of fines, costs, and restitution will have on the defendant's finances. Each defendant's situation with regard to their ability to pay case assessments is unique and the issuing authority must tailor the determination to the individual defendant.

If a defendant is determined to be unable to pay fines, costs, and restitution, the issuing authority may sentence or resentence the defendant in accordance with Rule 454.1 or Rule 456.

The following text is entirely new.

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

Rule 456.2. Commonwealth Request for Ability to Pay Hearing.(a) *Motion.*

(1) The Commonwealth may file a motion requesting a hearing to determine a defendant's ability to pay costs, fines, or restitution imposed as a result of a sentence.

(2) Upon good cause shown of a substantial change in the defendant's ability to pay, the court shall schedule a hearing.

(b) *Hearing Notice.* Notice of the ability to pay hearing shall be provided to the defendant in person or by first class mail.

(c) *Hearing and Determination.*

(1) At a hearing on the Commonwealth's motion, the burden to prove a substantial change in the defendant's ability to pay shall be on the Commonwealth.

(2) If the court determines the Commonwealth has proven by a preponderance of the evidence a substantial change in the defendant's ability to pay, the court may order a new payment plan reasonably calculated to the defendant's ability to pay.

Comment:

The purpose of this rule is to permit the Commonwealth to seek an increase in a defendant's monthly payment towards previously imposed costs, fines, and restitution if the Commonwealth has good cause to believe the defendant's financial circumstances have substantially changed.

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial De Novo**Rule 462. Trial De Novo.**

[(A)](a) [When] If a defendant appeals after the entry of a guilty plea or a conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard *de novo* by the judge of the court of common pleas sitting without a jury.

[(B)](b) The attorney for the Commonwealth may appear and assume charge of the prosecution. **[When] If** the violation of an ordinance of a municipality is charged, an attorney representing that municipality, with the consent of the attorney for the Commonwealth, may appear and assume charge of the prosecution. **[When] If** no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

[(C)](c) In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant **[if proceeding pro se] is self-represented**, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

[(D)](d) If the defendant fails to appear, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

[(E)](e) If the defendant withdraws the appeal, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

[(F)](f) If the defendant has petitioned the trial judge to permit the taking of an appeal *nunc pro tunc* and this petition is denied, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

[(G)](g) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial, or, in cases in which the defendant may be sentenced to intermediate punishment, the trial judge may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment.

[(H)](h) At the time of sentencing, the trial judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

[(a)](i) the amount of the fine and the obligation to pay costs;

[(b)](ii) the amount of restitution ordered, including

[(i)](A) the identity of the payee[(s)],

[(ii)](B) to whom the restitution payment shall be made, and

[(iii)](C) whether any restitution has been paid and in what amount; and

[(c)](iii) the date on which payment is due.

If, pursuant to Rule 456.1, the defendant is without the financial means to pay the amount in a single remittance, the trial judge may provide for installment payments and shall state the date on which each installment is due;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the trial judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the trial judge. The order shall include the information specified in [paragraphs (H)(1) through (H)(3)] subdivisions (h)(1) through (h)(3), and a copy of the order shall be given to the defendant.

(I) After sentence is imposed by the trial judge, the case shall remain in the court of common pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs.

Comment:

This rule is derived from former Rule 86(G) and former Rule 1117(c).

[This rule was amended in 2000 to make it clear] Subdivision (a) is intended, in part, to make clear that a defendant in a summary criminal case [that the defendant] may file an appeal for a trial *de novo* following the entry of a guilty plea.

“Entry,” as used in [paragraph (A)] subdivision (a) of this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

The procedures for conducting the trial *de novo* in the court of common pleas set forth in [paragraphs (B), (G), and (H)] subdivisions (b), (g), and (h) are comparable to the summary case trial procedures in Rule 454 (Trial in Summary Cases).

Pursuant to [paragraph (B)] subdivision (b), the decision whether to appear and assume control of the prosecution of the trial *de novo* is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial *de novo* on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant

may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge also may permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

The provisions of [paragraph (C)] subdivision (c) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995).

[Paragraph (D)] Subdivision (d) makes [it] clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial *de novo*. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

[New paragraph (F) was added in 2017 to clarify] Subdivision (f) is intended to clarify that in a case in which a defendant seeks to file an appeal *nunc pro tunc*, and the common pleas judge denies that petition, the case will remain at the court of common pleas. [This is consistent with the long-standing policy under the rules that once a case has moved from the minor judiciary to the court of common pleas, the case remains at common pleas.]

[Paragraph (G) was amended in 2008 to permit] Subdivision (g) permits a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension), but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial *de novo* at the time of sentencing.

Pursuant to [paragraph (H)] subdivision (h), if the defendant is convicted, the trial judge [must] shall impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. Rule 456 regarding procedures for default and Rule 456.1 regarding determination of a defendant's means to pay are applicable to summary appeal cases in the courts of common pleas. See [Rule] Pa.R.Crim.P. 704(A)(3) and Rule 720(D). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002)[,]; *Scott v. Illinois*, 440 U.S. 367 (1979)[, and]; *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Certain costs are mandatory and must be imposed. See, e.g., [Section 1101 of the Crime Victims Act,] 18 P.S. § 11.1101.

Once sentence is imposed, [paragraph (I)] subdivision (i) makes [it] clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the magisterial district judge. The execution of sentence includes the collection of any fines and restitution.

For the procedure to dismiss upon satisfaction or by agreement a summary case, as defined in Rule 103, that has been appealed to the court of common pleas, see Rule 463.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

For the procedures for appeals from the Philadelphia Municipal Court Traffic Division, see Rule 1037.

[**Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; amended February 28, 2003, effective July 1, 2003; *Comment* revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; *Comment* revised October 16, 2009, effective February 1, 2010; *Comment* revised May 7, 2014, effective immediately; amended March 9, 2016, effective July 1, 2016; amended December 29, 2017, effective April 1, 2018; *Comment* revised January 27, 2021, effective June 1, 2021.**

Committee Explanatory Reports:

FORMER RULE 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 concerning stays published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the May 14, 1999 amendments to former Rule 86, paragraph (G), concerning the police officer's presence published with the Court's Order at 29 Pa.B. 2776 (May 29, 1999).

NEW RULE 462:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 462 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order at 30 Pa.B. 1508 (March 18, 2000).

Final Report explaining the February 28, 2003 amendments published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the March 26, 2004 Comment revision published with the Court's Order at 34 Pa.B. 1931 (April 10, 2004).

Final Report explaining the January 18, 2007 amendment to paragraph (G)(2) published with the Court's Order at 37 Pa.B. 523 (February 3, 2007).

Final Report explaining the December 16, 2008 amendments to permit delay in sentencing for determination of intermediate punishment status published with the Court's Order at 39 Pa.B. 8 (January 3, 2009).

Final Report explaining the October 16, 2009 Comment revision regarding new Rule 1037 and procedures for the appeal from the Philadelphia Traffic Court published with the Court's Order at 39 Pa.B. 6327 (October 31, 2009).

Final Report explaining the May 7, 2014 Comment revision changing the cross-reference to the Philadelphia Traffic Court to the Traffic Division of the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3056 (May 24, 2014).

Final Report explaining the March 9, 2016 amendments to paragraph (G) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 1532 (March 26, 2016).

Final Report explaining the December 29, 2017 amendments regarding appeals *nunc pro tunc* published with the Court's Order at 48 Pa.B. 224 (January 13, 2018).

Final Report explaining the January 27, 2021 Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published with the Court's Order at 51 Pa.B. 688 (February 6, 2021).]

**PART G. Special Procedures In Summary Cases
Under The Vehicle Code**

Rule 470. Procedures Related to License Suspension After Failure to Respond to Citation or Summons or Failure to Pay Fine and Costs.

[(A)](a)[When] If a defendant fails to [comply with the 10-day response period set forth] respond within 30 days as required in Rules 407, 412, and 422, [and 456,] the issuing authority shall notify the defendant in writing that, pursuant to [**Section 1533 of the Vehicle Code**] **75 Pa.C.S. § 1533**, the defendant's license will be suspended if, within 15 days of the date of the notice, the defendant fails to respond to the citation or summons [or fails to pay all fines and costs imposed or enter into an agreement to make installment payments for the fines and costs within 15 days of the date of the notice].

(b) If a defendant defaults on the payment of fines, costs, or restitution as ordered, the issuing authority shall notify the defendant in writing that, pursuant to 75 Pa.C.S. § 1533, the defendant's license will be suspended if, within 15 days of the date of the notice, the defendant fails to pay all fines, costs, and restitution imposed or enter into an agreement to make installment payments for fines, costs, and restitution and the issuing authority determines that the defendant has the financial ability to pay.

[(B)](c) Service of the notice required in [paragraph (A)] subdivisions (a) and (b) shall be by first class mail, and a copy shall be made part of the record.

[(C)](d) If the defendant does not respond by the [fifteenth] 15th day, the issuing authority shall [so] notify the Pennsylvania Department of Transportation. The notice shall be sent by electronic transmission in the form prescribed by the Pennsylvania Department of Transportation. The issuing authority shall print [out] and sign a copy of the notice, which shall include the date and time of the transmission, and the signed copy shall be made part of the record.

(e) If the defendant responds by the 15th day and requests a trial, pays all fines, costs, and restitution imposed, enters into an agreement to make installment payments for fines, costs, and restitution, or is determined to be financially unable to pay pursuant to Rule 456, the issuing authority shall not notify the Pennsylvania Department of Transportation as provided in subdivision (d).

(f) If the defendant responds by the 15th day and fails to pay all fines, costs, and restitution imposed or fails to enter into an agreement to make installment payments for fines, costs, and restitution, a notice issued pursuant to subdivision (d) shall be sent to the Pennsylvania Department of Transportation only if the issuing authority first has held a hearing pursuant to Rule 456 and determined that the defendant has the financial ability to pay. The notice shall not be sent during the pendency of any appeal from that hearing.

[(D)](g) If the defendant responds to the citation or summons, or pays all fines and costs imposed, or enters into an agreement to make installment payments for the fines and costs imposed, or has been determined to be financially unable to pay pursuant to Rule 456 after notice has been sent pursuant to [paragraph (C)] subdivision (d), the issuing authority shall [so] notify the Pennsylvania Department of Transportation and request the withdrawal of the defendant's license suspension. The notice and request shall be sent by electronic transmission. The issuing authority shall print [out] and sign a copy of the notice and request, which shall include the date and time of the transmission, and the signed copy shall be made part of the record.

(h) In determining whether a defendant is without the financial means to pay fines, costs, and restitution, the issuing authority shall consider the defendant's ability to pay as provided in Rule 456. If the issuing authority determines that the defendant is unable to pay outstanding costs, fines, and restitution and, pursuant to Rule 456(d)(2), waives any outstanding fines and costs, such waiver shall constitute payment in full of the waived fines and costs for purposes of this rule.

[(E)](i) Upon request of the defendant, the attorney for the Commonwealth, or any other government agency, the issuing authority's office shall provide a certified copy of any notices or any request form required by this rule.

Comment:

This rule [was adopted in 1993, and amended in 2011,] is intended to implement the notice requirements of 75 Pa.C.S. § 1533 and to insure uniform, prompt transmissions to the Department of Transporta-

tion. It does not change the other procedural requirements contained in the summary case rules generally. *See, e.g.,* [paragraph (B)(1)(a) of Rule 430 (Issuance of Warrant) and Rule 456 (Default Procedures: Restitution, Fines, and Costs)] Pa.R.Crim.P. 430(B)(1)(a) and 456 (Default of Payment of Costs, Fines, or Restitution). In cases involving default on the payment of fines and costs, or restitution, the 15-day notice of the license suspension may be sent at the time of default and not subsequent to the expiration of the 10-day bench warrant notice under Rules 430(B)(3)(b) and 456(b).

In determining whether a defendant is without the financial means to pay the fine, costs, and restitution, the issuing authority shall consider the defendant's financial ability as provided in Rule 456.1.

This rule is not intended to address the admissibility of evidence. [*See*] See the Pennsylvania Rules of Evidence and 42 Pa.C.S. §§ 6101 *et seq.* concerning the [Rules of Evidence for] admissibility of documents.

Under [paragraph (E)] subdivision (i), the issuing authority [is required to] shall provide a certified copy of the report, but only if the request is made within the period that the issuing authority is required to retain the records.

Electronic transmissions are to be made from the Magisterial District Judge System or other computer system used by issuing authorities.

[Official Note: Previous Rule 91, formerly Rule 140, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 69 September 18, 1973, effective January 1, 1974; *Comment* revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986. The January 1, 1986 effective date is extended to July 1, 1986. Re-adopted and renumbered Rule 91 February 1, 1989, effective July 1, 1989; rescinded June 3, 1993, effective July 1, 1993, and replaced by new Rule 92. New Rule 91 adopted June 3, 1993, effective July 1, 1993; renumbered Rule 470 and amended March 1, 2000, effective April 1, 2001; amended February 18, 2011, effective March 18, 2011.

Committee Explanatory Reports:

Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 2811 (June 19, 1993).

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

Final Report explaining the February 18, 2011 amendments to paragraphs (A) and (D) adding failure to pay fines and costs published with the Court's Order at 41 Pa.B. 1167 (March 5, 2011).]

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A. Sentencing Procedures

Rule 702. Aids in Imposing Sentence.

[(A)](a) [PRE-SENTENCE INVESTIGATION REPORT] *Pre-Sentence Investigation Report.*

(1) The sentencing judge may, in the judge's discretion, order a pre-sentence investigation report in any case.

(2) The sentencing judge shall place on the record the reasons for dispensing with the pre-sentence investigation report if the judge fails to order a pre-sentence report in any of the following instances:

[(a)](i) when incarceration for one year or more is a possible disposition under the applicable sentencing statutes;

[(b)](ii) when the defendant is less than 21 years old at the time of conviction or entry of a plea of guilty; or

[(c)](iii) when a defendant is a first offender in that he or she has not heretofore been sentenced as an adult.

(3) The pre-sentence investigation report shall include information regarding the circumstances of the offense and the character of the defendant sufficient to assist the judge in determining sentence.

(4) The pre-sentence investigation report shall also include a victim impact statement as provided by law.

[(B)](b) [**PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION**] *Psychiatric or Psychological Examination.* After a finding of guilt and before the imposition of sentence, after notice to counsel for both parties, the sentencing judge may, as provided by law, order the defendant to undergo a psychiatric or psychological examination. For this purpose the defendant may be remanded to any available clinic, hospital, institution, or state correctional diagnostic and classification center for a period not exceeding 60 days.

(c) Ability to Pay Determination. The judge shall order the defendant to complete and provide the judge a statement of financial ability pursuant to Rule 702.1 to aid the judge in determining the amount of any discretionary fines to be imposed. A defendant may waive this requirement.

Comment:

For purposes of [paragraph (A)(2)(c)] subdivision (a)(2)(iii), whether the defendant has a prior juvenile adjudication is immaterial. [Paragraph (A)(3)] Subdivision (a)(3) indicates in general terms what the contents of the pre-sentence investigation report [must] shall include. With respect to the particularized contents of such reports, see *Commonwealth v. Martin*, 351 A.2d 650 (Pa. 1976). Concerning other information that would be helpful for the sentencing judge to have in the pre-sentence investigation report, see 18 Pa.C.S. § 1106(c)(2)(iv) (the judge, when determining the amount of restitution, must consider "any other preexisting orders imposed on the defendant, including, but not limited to, orders imposed under this title or any other title").

For the victim's right to have information included in the pre-sentence report concerning the impact of the crime on the victim, as provided in [paragraph (A)(4), see 71 P.S. § 180-9.3] subdivision (a)(4), see 18 P.S. § 11.201(5).

A psychiatric or psychological examination may be ordered on an outpatient or inpatient basis as provided by law. See 50 P.S. § 7405. Because the 1976 Mental Health Procedures Act excludes issues related to mental retardation, 50 P.S. § 7502, see also the Mental Health and Mental Retardation Act of 1966, 50 P.S. § 4101 *et seq.*

When an incarcerated defendant has undergone any period of voluntary or involuntary confinement for the purpose of examination pursuant to this rule, credit for the period of confinement should be given toward the sentence ultimately imposed. See, e.g., 50 P.S. §§ 7401(b) and 7407(f).

Subdivision (c) is intended, in part, to aid the judge in determining an appropriate fine at the time of sentencing. "In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden that its payment will impose." 42 Pa.C.S. § 9726(d) (Financial resources). Unless it appears of record that the defendant "is or will be able to pay the fine[] and the fine will not prevent the defendant from making restitution or reparations to the victim," the judge shall not impose a fine. 42 Pa.C.S. 9726(c) (Exception).

Additional pre-sentence procedures may be required by statute. For example, see 42 Pa.C.S. §§ 9791—9799.5 (concerning persons convicted of sexually violent offenses) for pre-sentence assessment and hearing procedures. See also 42 Pa.C.S. § 9714(c) for hearing to determine high risk dangerous offender status.

Under the provisions of Rule 703 (Disclosure of Pre-Sentence Reports), full disclosure of reports to defense counsel and the Commonwealth is required. See [Rule] Pa.R.Crim.P. 703(A)(2). Reports may also be disclosed under Rule 703 to other designated persons or agencies, unless the sentencing judge otherwise orders. See [Rule] Pa.R.Crim.P. 703(C), (D), and (E).

[Official Note: Rule 1403 adopted July 23, 1973, effective 90 days hence; amended June 28, 1976, effective January 1, 1977; amended November 1, 1991, effective January 1, 1992; amended March 22, 1993, effective January 1, 1994; Comment revised April 18, 1997, effective immediately; renumbered Rule 702 and amended March 1, 2000, effective April 1, 2001; Comment revised March 27, 2003, effective July 1, 2003.

Committee Explanatory Reports:

Report explaining the January 1, 1992 amendments published at 20 Pa.B. 1697 (March 24, 1990); Supplemental Report published with the Court's Order at 21 Pa.B. 5329 (November 16, 1991).

Final Report explaining the March 22, 1993 amendments published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the April 18, 1997 Comment revision published with the Court's Order at 27 Pa.B. 2122 (May 3, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the March 27, 2003 Comment revision adding a cross-reference to 18 Pa.C.S. § 1106 published with the Court's Order at 33 Pa.B. 1928 (April 19, 2003).]

The following text is entirely new.

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

\$ _____ unemployment compensation. I have been unemployed since _____ (date) . My last employer was _____ (name of employer) .

\$ _____ money received from other people.

- \$ _____ Retirement/Pension Disability
- Workers Comp Social Security
- Child/Spousal support Other sources: _____ (describe sources)

\$ _____ Total monthly gross income

ASSETS (Current Value):

- \$ _____ Cash
- \$ _____ Bank accounts or other financial assets
- \$ _____ Primary vehicle
- \$ _____ Other vehicles
- \$ _____ House
- \$ _____ Other real estate
- \$ _____ Other property: _____ (describe)
- _____
- _____

\$ _____ Total value of property

MONTHLY EXPENSES YOU PAY:

- \$ _____ Rent/mortgage payment
- \$ _____ Food and household supplies
- \$ _____ Utilities, including cell phone
- \$ _____ Clothing and other personal expenses
- \$ _____ Medical and dental expenses/insurance
- \$ _____ Child care
- \$ _____ Transportation, including car payments and repairs
- \$ _____ Child and spousal support or alimony
- \$ _____ Other expenses: _____ (describe)
- _____
- _____

\$ _____ Total monthly expenses

Are there other facts that you would like the court to know about your circumstances that may help the court decide your ability to pay fines, costs, and restitution, such as you are experiencing homelessness or you have health issues?

VERIFICATION

I understand that I have a continuing obligation to inform the court of an improvement in my financial circumstances that would permit me to pay fines, costs, and restitution in this case.

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

Date

Defendant's Signature

Comment:

This rule is applicable to all court cases including those in the Philadelphia Municipal Court.

The burden is on the defendant to provide the judge with information about the defendant's financial ability. In determining whether the defendant has the ability to

pay, the judge must consider the totality of the defendant's financial resources and the nature of the burden that payment of fines, costs, and restitution will have on the defendant's finances. Each defendant's situation with regard to their ability to pay case assessments is unique and the judge must tailor the determination to the individual defendant.

If a defendant is determined to be unable to pay fines, costs, and restitution, the judge may sentence or resentence the defendant in accordance with Rules 704 and 705 or Rule 706.

Rule 704. Procedure at Time of Sentencing.

[(A) TIME FOR SENTENCING.](a) *Time for Sentencing.*

(1) Except as provided by Rule [702(B)] 702(b), sentence in a court case shall ordinarily be imposed within 90 days of conviction or the entry of a plea of guilty or *nolo contendere*.

(2) When the date for sentencing in a court case must be delayed, for good cause shown, beyond the time limits set forth in this rule, the judge shall include in the record the specific time period for the extension.

(3) In a summary case appeal, sentence shall be imposed immediately following a determination of guilt at a trial *de novo* in the court of common pleas.

[(B) ORAL MOTION FOR EXTRAORDINARY RELIEF.](b) *Oral Motion for Extraordinary Relief.*

(1) Under extraordinary circumstances, when the interests of justice require, the trial judge may, before sentencing, hear an oral motion in arrest of judgment, for a judgment of acquittal, or for a new trial.

(2) The judge shall decide a motion for extraordinary relief before imposing sentence[,] and shall not delay the sentencing proceeding in order to decide it.

(3) A motion for extraordinary relief shall have no effect on the preservation or waiver of issues for post-sentence consideration or appeal.

[(C) SENTENCING PROCEEDING.](c) *Sentencing Proceeding.*

(1) At the time of sentencing, the judge shall afford the defendant the opportunity to make a statement in his or her behalf and shall afford counsel for both parties the opportunity to present information and argument relative to sentencing.

(2) The judge shall colloquy the defendant on the record regarding the defendant's ability to pay any fines, costs, or restitution imposed.

(3) A defendant's failure to complete and provide a statement of financial ability as required by Rule 702(c) shall not preclude the judge from proceeding with sentencing.

[(2)](4) The judge shall state on the record the reasons for the sentence imposed.

[(3)](5) The judge shall determine on the record that the defendant has been advised of the following:

[(a)](i) of the right to file a post-sentence motion and to appeal, of the time within which the defendant must exercise those rights, and of the right to assistance of counsel in the preparation of the motion and appeal;

[(b)](ii) of the rights,

[(i)](A) if the defendant is indigent, to proceed in forma pauperis and to proceed with appointed counsel as provided in Rule 122, or,

[(ii)](B) if represented by retained counsel, to proceed with retained counsel unless the court has granted leave for counsel to withdraw pursuant to Rule 120(B);

[(c)](iii) of the time limits within which post-sentence motions must be decided;

[(d)](iv) that issues raised before or during trial shall be deemed preserved for appeal whether or not the defendant elects to file a post-sentence motion; and

[(e)](v) of the defendant's qualified right to bail under Rule 521(B).

[(4)](6) The judge shall require that a record of the sentencing proceedings be made and preserved so that it can be transcribed as needed. The record shall include:

[(a)](i) the record of any stipulation made at a pre-sentence conference; and

[(b)](ii) a verbatim account of the entire sentencing proceeding.

Comment:

The rule is intended to promote prompt and fair sentencing procedures by providing reasonable time limits for those procedures, and by requiring that the defendant be fully informed of his or her post-sentence rights and the procedural requirements which must be met to preserve those rights.

Rule 708 (Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition) governs sentencing procedures after a revocation of probation, intermediate punishment, or parole.

[TIME FOR SENTENCING] *Time for Sentencing*

As a general rule, the date for sentencing should be scheduled at the time of conviction or the entry of a plea of guilty or *nolo contendere*.

Under [paragraph (A)(1)] **subdivision (a)(1)**, sentence should be imposed within 90 days of conviction or the entry of a plea of guilty or *nolo contendere*, unless the court orders a psychiatric or psychological examination pursuant to Rule [702(B)] 702(b). Such an order should extend the time for sentencing for only as much time as is reasonably required, but in no event should sentencing be extended for more than 30 days beyond the original 90-day limit. In summary appeal cases, however, sentence must be imposed immediately at the conclusion of the *de novo* trial.

[Paragraph (A)(2)] **Subdivision (a)(2)** is not intended to sanction *pro forma* requests for continuances. Rather, it permits the judge to extend the time limit for sentencing under extraordinary circumstances only. For example, additional pre-sentence procedures may be required by statute. [See] See 42 Pa.C.S. §§ 9799.11—9799.41 for pre-sentence assessment and hearing procedures for persons convicted of sexually violent offenses.

Because such extensions are intended to be the exception rather than the rule, the extension [**must**] **shall** be for a specific time period, and the judge [**must**] **shall** include in the record the length of the extension. A hearing need not be held before an extension can be granted. Once a specific extension has been granted, however, some provision should be made to monitor the

extended time period to [**insure**] **ensure** prompt sentencing when the extension period expires.

Failure to sentence within the time specified in [**paragraph (A)**] **subdivision (a)** may result in the discharge of the defendant. *See Commonwealth v. Anders*, 725 A.2d 170 (Pa. 1999) (discharge is appropriate remedy for violation of Rule 704 time limits, but only if the defendant can demonstrate that the delay in sentencing was prejudicial to the defendant).

[**ORAL MOTION FOR EXTRAORDINARY RELIEF**]
Oral Motion for Extraordinary Relief

Under [**paragraph (B)**] **subdivision (b)**, [**when**] **if** there has been an error in the proceedings that would clearly result in the judge's granting relief post-sentence, the judge should grant a motion for extraordinary relief before sentencing occurs. Although trial errors may be serious and the issues addressing those errors meritorious, this rule is intended to allow the trial judge the opportunity to address only those errors so manifest that immediate relief is essential. It would be appropriate for counsel to move for extraordinary relief, for example, when there has been a change in case law, or, in a multiple count case, when the judge would probably grant a motion in arrest of judgment on some of the counts post-sentence. Although these examples are not all-inclusive, they illustrate the basic purpose of the rule: when there has been an egregious error in the proceedings, the interests of justice are best served by deciding that issue before sentence is imposed. Because the relief provided by this [**section**] **subdivision** is extraordinary, boilerplate motions for extraordinary relief should be summarily denied.

Under [**paragraph (B)(2)**] **subdivision (b)(2)**, the motion [**must**] **shall** be decided before sentence is imposed, and sentencing may not be postponed [**in order**] to dispose of the motion. The judge may summarily deny the motion or decide it on the merits.

[**Paragraph (B)(3)**] **Subdivision (b)(3)** is intended to make it clear that a motion for extraordinary relief is neither necessary nor sufficient to preserve an issue for appeal. The failure to make a motion for extraordinary relief, or the failure to raise a particular issue in such a motion, does not constitute a waiver of any issue. Conversely, the making of a motion for extraordinary relief does not, of itself, preserve any issue raised in the motion, nor does the judge's denial of the motion preserve any issue.

[**SENTENCING PROCEDURES**] ***Sentencing Procedures***

[**Paragraph (C)(1)** retains the former requirement that] **Subdivision (c)(1)** requires the judge to afford the defendant an opportunity to make a statement and counsel the opportunity to present information and argument relative to sentencing. The defendant's right to allocution at sentencing is well established, and the trial judge must inform the defendant of that right. *See Commonwealth v. Thomas*, 553 A.2d 918 (Pa. 1989).

The duty of the judge to explain to the defendant the rights set forth in [**paragraph (C)(3)**] **subdivision (c)(5)** is discussed in *Commonwealth v. Wilson*, 241 A.2d 760, 763 (Pa. 1968), and *Commonwealth v. Stewart*, 241 A.2d 764, 765 (Pa. 1968).

The judge should explain to the defendant, as clearly as possible, the timing requirements for making and decid-

ing a post-sentence motion under Rule 720. The judge should also explain that the defendant may choose whether to file a post-sentence motion and appeal after the decision on the motion, or to pursue an appeal without first filing a post-sentence motion.

[**Paragraph (C)(3)**] **Subdivision (c)(5)** requires the judge to ensure the defendant is advised of his or her rights concerning post-sentence motions and appeal, and the right to proceed with counsel. *See, e.g., Commonwealth v. Librizzi*, 810 A.2d 692 (Pa. Super. 2002).

The rule [**permits**] **does not prohibit** the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the sentencing proceeding. This written colloquy must be supplemented by an on-the-record oral examination to determine that the defendant has been advised of the applicable rights enumerated in [**paragraph (C)(3)**] **subdivision (c)(5)** and that the defendant has signed the form.

Other, additional procedures are required by statute. [**See, e.g.**] **For example**, 42 Pa.C.S. § 9756(b)(3) [**that**] imposes requirements on the judge [**when**] **if** a defendant may be eligible to participate in a re-entry plan, [**and**] 42 Pa.C.S. § 9756(b.1) [**that**] imposes requirements on the judge [**when**] **if** a defendant may be eligible for a recidivism risk reduction incentive (RRRI) minimum sentence[;], 42 Pa.C.S. § 9799.23 [**that**] requires the judge to inform certain offenders of the duty to register[;], and 42 Pa.C.S. § 9813 [**that**] imposes requirements on the judge [**when**] **if** a defendant may be eligible for work release.

After sentencing, following a conviction in a trial *de novo* in a summary case, the judge should advise the defendant of the right to appeal and the time limits within which to exercise that right, the right to proceed *in forma pauperis* and with appointed counsel to the extent provided in Rule 122(A), and of the qualified right to bail under Rule 521(B). *See* [**paragraphs (C)(3)(a), (b), and (c)**] **subdivisions (c)(5)(i), (ii), and (v)**. *See also* Rule 720(D) (no post-sentence motion after a trial *de novo*).

After sentencing, the judge should inquire whether the defendant intends to file a post-sentence motion or to appeal, and if so, should determine the defendant's bail status pursuant to [**paragraph (C)(3)(e)**] **subdivision (c)(5)(v)** and Rule 521. It is recommended, when a state sentence has been imposed, that the judge permit a defendant who cannot make bail to remain incarcerated locally, at least for the 10-day period during which counsel may file the post-sentence motion. [**When**] **If** new counsel has been appointed or entered an appearance for the purpose of pursuing a post-sentence motion or appeal, the judge should consider permitting the defendant to remain incarcerated locally for a longer period to allow new counsel time to confer with the defendant and become familiar with the case. [**See also Rule**] ***See also Pa.R.Crim.P.*** 120 (Attorneys—Appearances and Withdrawals).

[**It is difficult to set forth all the standards that a judge must utilize and consider in imposing sentence. It is recommended that, at a minimum, the judge look to the standards and guidelines as specified by statutory law.**] **For statutory standards and guidelines regarding sentencing,** [***See the Judicial***

Code,] see 42 Pa.C.S. §§ 9701 *et seq.* See also *Commonwealth v. Riggins*, 377 A.2d 140 (Pa. 1977); [and] *Commonwealth v. Devers*, 546 A.2d 12 (Pa. 1988). The judge also should consider other preexisting orders imposed on the defendant. See 18 Pa.C.S. § 1106(c)(2)(iv) [. **And see**]; 42 Pa.C.S. § 9728.

For procedures in cases in which restitution is imposed, see Rule 705.1.

For the right of a victim to have information included in the pre-sentence investigation report concerning the impact of the crime upon him or her, see 18 P.S. § 11.201(4)—(5) and Rule 702(A)(4).

For the duty of the sentencing judge to state on the record the reasons for the sentence imposed, see *Commonwealth v. Riggins*, 377 A.2d 140 (Pa. 1977); [and] *Commonwealth v. Devers*, 546 A.2d 12 (Pa. 1988). If the sentence initially imposed is modified pursuant to Rule 720(B)(1)(a)(v), the sentencing judge should ensure that the reasons for the ultimate sentence appear on the record. See also Sentencing Guidelines, 204 [PA. CODE] Pa. Code [§§ 303.1(d)—(e) and 303.13(c)], Part VIII. Criminal Sentencing.

In cases in which a mandatory sentence is provided by law, [when] if the judge decides not to impose a sentence greater than the mandatory sentence, regardless of the number of charges on which the defendant could be sentenced consecutively, and when no psychiatric or psychological examination is required under Rule [702(B)] 702(b), the judge may immediately impose that sentence. But see Rule [702(A)(2)] 702(a)(2), which requires that the court state on the record the reasons for dispensing with a pre-sentence report under the circumstances enumerated therein. See also 42 Pa.C.S. §§ 9721 *et seq.*

No later than 30 days after the date of sentencing, a Pennsylvania Commission on Sentencing Guideline Sentence Form must be completed at the judge's direction and made a part of the record. In addition, [a copy of] the form must be [forwarded] electronically submitted to the Commission on Sentencing. 204 [PA. CODE] Pa. Code [§ 303.1(e)], Part VIII. Criminal Sentencing.

With respect to the recording and transcribing of court proceedings, including sentencing, see Rule 115.

[Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Com-

ment revised September 26, 1996, effective January 1, 1997; Comment revised April 18, 1997, effective immediately; Comment revised January 9, 1998, effective immediately; amended July 15, 1999, effective January 1, 2000; renumbered Rule 704 and amended March 1, 2000, effective April 1, 2001; Comment revised March 27, 2003, effective July 1, 2003; amended April 28, 2005, effective August 1, 2005; Comment revised March 15, 2013, effective May 1, 2013; Comment revised March 9, 2016, effective July 1, 2016.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the 1995 amendment to paragraph (C)(3) published with the Court's Order at 25 Pa.B. 236 (January 21, 1995).

Final Report explaining the September 13, 1995 amendments concerning bail published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the December 22, 1995 Comment revision on restitution published with the Court's Order at 26 Pa.B. 13 (January 6, 1996).

Final Report explaining the September 26, 1996 Comment revision on Rule 1409 procedures published with the Court's Order at 26 Pa.B. 4900 (October 12, 1996).

Final Report explaining the April 18, 1997 Comment revisions published with the Court's Order at 27 Pa.B. 2122 (May 3, 1997).

Final Report explaining the January 9, 1998 Comment revisions concerning Guideline Sentence Forms, and summary case appeal notice, published with the Court's Order at 28 Pa.B. 481 (January 31, 1998).

Final Report explaining the July 15, 1999 amendments concerning the time for sentencing published with the Court's Order at 29 Pa.B. 4059 (July 31, 1999).

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

Final Report explaining the March 27, 2003 Comment revision adding cross-references to 18 Pa.C.S. § 1106 and 42 Pa.C.S. § 9728 published with the Court's Order at 33 Pa.B. 1928 (April 19, 2003).

Final Report explaining the April 28, 2005 amendments to paragraph (C)(3)(b) concerning retained counsel's obligations published with the Court's Order at 35 Pa.B. 2859 (May 14, 2005).

Final Report explaining the March 15, 2013 revision of the Comment adding citations to the Sentencing Code published with the Court's Order at 43 Pa.B. 1705 (March 30, 2013).

Final Report explaining the March 9, 2016 revision of the Comment adding a cross-reference to Rule 705.1 concerning restitution published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).]

Rule 705.1. Restitution—Sentencing.

[(A)](a) At the time of sentencing, the judge shall determine what restitution, if any, shall be imposed.

[(B)](b) In any case in which restitution is imposed, the judge shall state in the sentencing order:

- (1) the amount of restitution ordered;
- (2) the details of a payment plan, if any, including when payment is to begin;
- (3) the identity of the payee [(s)];
- (4) to which officer or agency the restitution payment shall be made;
- (5) whether any restitution has been paid and in what amount; and
- (6) whether the restitution has been imposed as a part of the sentence [and/or] or as a condition of probation.

Comment:

This rule provides the procedures [for] **implementing** the statutory requirement for the judge to impose restitution. In all cases in which restitution is imposed, the sentencing judge [**must**] **shall** state on the record the amount of restitution at the time of sentencing. *See* 18 Pa.C.S. § 1106; [and] 42 Pa.C.S. §§ 9721, 9728.

The extent of restitution also may be provided by statute. *See, e.g.*, 18 Pa.C.S. § 1107 (restitution for timber theft); § 1107.1 (restitution for identity theft); [and] § 1110 (restitution for cleanup of clandestine labs).

When imposing restitution, the sentencing judge should consider whether the defendant has received notice of the intention to seek restitution prior to the hearing and whether the defendant intends to object to the imposition of restitution. The sentencing hearing may need to be continued as a result.

[**Paragraph (B)(6)**] **Subdivision (b)(6)** requires that the sentencing order make clear whether any restitution is being imposed as a part of the sentence pursuant to 18 Pa.C.S. § 1106 or as a condition of probation pursuant to 42 Pa.C.S. § 9754. Unlike restitution imposed under § 1106 that is penal in nature, restitution imposed as a condition of probation is primarily aimed at rehabilitation. Sentences of probation give a trial court the flexibility to determine all the direct and indirect damages caused by a defendant. *Commonwealth v. Harner*, 617 A.2d 702 (Pa. 1992); *Commonwealth v. Hall*, 80 A.3d 1204 (Pa. 2013). Because a term of probation may not exceed the maximum term for which the defendant could be confined, and a court cannot enforce a restitution sentence past the statutory maximum date, a court may not require that restitution imposed as a condition of probation be paid beyond the statutory maximum date. *Commonwealth v. Karth*, 994 A.2d 606 (Pa. Super. 2010).

Certain costs are mandatory and must be imposed. [*See, e.g.*] *See, e.g.*, Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

[**Official Note: New Rule 705.1 adopted March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

Final Report explaining new Rule 705.1 concerning sentences of restitution published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).]

The following text is entirely new.

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

Rule 705.2. Fines—Sentencing.

(a) At the time of sentencing, the judge shall determine what fine, if any, shall be imposed.

(b) The judge may not order a defendant to pay a fine unless, after review of the defendant's statement of financial ability, see Rule 702(c) and Rule 704(c)(3), and after conducting a colloquy on the record as to the defendant's ability to pay, the judge determines:

- (1) the defendant has the financial ability to pay the fine; and
- (2) the fine will not prevent the defendant from making restitution.

Comment:

This rule provides the procedures for the imposition of a fine at the time of sentencing. *See* 42 Pa.C.S. § 9726.

Rule 706. [Fines or Costs] Default of Payment of Costs, Fines, or Restitution.

[(A)](a) A court shall not commit the defendant to prison for failure to pay a fine or costs unless it appears after a hearing that the defendant is financially able to pay the fine or costs.

[(B)] **When the court determines, after hearing, that the defendant is without the financial means to pay the fine or costs immediately or in a single remittance, the court may provide for payment of the fines or costs in such installments and over such period of time as it deems to be just and practicable, taking into account the financial resources of the defendant and the nature of the burden its payments will impose, as set forth in paragraph (D) below.**

(C) The court, in determining the amount and method of payment of a fine or costs shall, insofar as is just and practicable, consider the burden upon the defendant by reason of the defendant's financial means, including the defendant's ability to make restitution or reparations.

(D) In cases in which the court has ordered payment of a fine or costs in installments, the defendant may request a rehearing on the payment schedule when the defendant is in default of a payment or when the defendant advises the court that such default is imminent. At such hearing, the burden shall be on the defendant to prove that his or her financial condition has deteriorated to the extent that the defendant is without the means to meet the payment schedule. Thereupon the court may extend or accelerate the payment schedule or leave it unaltered, as the court finds to be just and practicable under the circumstances of record. When there has been default and the court finds the defendant is not indigent, the court may impose imprisonment as provided by law for nonpayment.]

(b) Hearing. In cases in which the court has ordered payment of a fine, costs, or restitution in installments, the defendant may request a hearing on the payment schedule:

- (1) if the defendant is in default of a payment;**
- (2) if the defendant advises the court that such default is imminent; or**
- (3) if the defendant's delinquent account was previously turned over to a private collection agency or the county's collection enforcement unit. The**

defendant shall be responsible for notifying the collection entity that a hearing has been requested.

At the hearing, the burden shall be on the defendant to prove that his or her financial condition has deteriorated to the extent that the defendant is without the financial means to meet the payment schedule.

(c) *Determination.* The judge shall determine a defendant's ability to pay pursuant to Rule 702.1.

(1) If the defendant is in default and the court determines the defendant is able to pay outstanding costs, fines, and restitution, as imposed, the court may permit the defendant to pay the outstanding amount due or the court may enter an order for wage attachment, turn the delinquent account over for collections, or, as provided by law, impose imprisonment or other sanctions.

(2) If the court determines the defendant is unable to pay outstanding costs, fines, and restitution, as imposed, the court:

(i) may order a new payment plan for installments reasonably calculated for the defendant's ability to pay;

(ii) may re-sentence the defendant to a period of community service;

(iii) may reduce or waive any fines and costs, except costs imposed under 18 P.S. § 11.1101, to the extent the defendant would be unable to pay in a single remittance or pursuant to a new payment schedule as provided for in subdivision (c)(2)(i); and

(iv) shall waive any existing collection fee not previously collected from the defendant.

Comment:

This rule provides the procedures governing defaults in the payment of restitution, fines, and costs. See 42 Pa.C.S. § 9730(b). For a court's ability to reduce or waive fines and costs see 42 Pa.C.S. § 9730(b)(3)(ii).

See generally *Commonwealth ex rel. Benedict v. Cliff*, [451 Pa. 427,] 304 A.2d 158 (Pa. 1973).

Under this rule, when a defendant fails to pay the fine and costs, the common pleas court judge may issue a bench warrant for the collection of the fine and costs. [**When**] **If** a "failure to pay" bench warrant is issued, the bench warrant [**must**] **shall** be executed by a police officer following the procedures set forth in Rule 431(C)(1)(c) and (C)(2), or, if the defendant is unable to pay, the police officer must proceed as provided in Rule 150 (Bench Warrants).

Pursuant to subdivision (c)(1), if a defendant is in default and the judge determines that the defendant is able to pay as ordered, the judge may, as provided by law, impose imprisonment or other sanctions. Before a judge may impose a sentence of imprisonment as provided by law for nonpayment of restitution, fines, or costs, a hearing or rehearing must be held whenever a defendant alleges that his or her ability to pay has been diminished. See 42 Pa.C.S. §§ 9730(b)(1)-(b)(2). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at the default hearing. See *Alabama v. Shelton*, 535 U.S. 654 (2002); *Scott v. Illinois*, 440 U.S. 367 (1979). See also Pa.R.Crim.P.

121 (waiver of counsel). In addition, delinquent restitution, fines, or costs may be turned over to a private collection agency. See 42 Pa.C.S. §§ 9730(b)(2) and 9730.1(a).

Nothing in this rule is intended to abridge any rights the Commonwealth may have in a civil proceeding to collect a fine or costs.

For suspension of Acts of Assembly, see Rule 1101(F).

[**Official Note: Rule 1407 approved July 23, 1973, effective 90 days hence; renumbered Rule 706 and amended March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective August 1, 2006.**]

Committee Explanatory Reports:

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

Final Report explaining the March 9, 2006 Comment revision concerning fine and cost warrants published with the Court's Order at 36 Pa.B. 1396 (March 25, 2006).]

The following text is entirely new.

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

Rule 706.1. Commonwealth Request for Ability to Pay Hearing.

(a) *Motion.*

(1) The Commonwealth may file a motion requesting a hearing to determine a defendant's ability to pay costs, fines, or restitution imposed as a result of a sentence.

(2) Upon good cause shown of a substantial change in the defendant's ability to pay, the court shall schedule a hearing.

(b) *Hearing Notice.* Notice of the ability to pay hearing shall be provided to the defendant in person or by first class mail.

(c) *Hearing and Determination.*

(1) At a hearing on the Commonwealth's motion, the burden to prove a substantial change in the defendant's ability to pay shall be on the Commonwealth.

(2) If the court determines the Commonwealth has proven by a preponderance of the evidence a substantial change in the defendant's ability to pay, the court may order a new payment plan for installments reasonably calculated to the defendant's ability to pay.

Comment:

The purpose of this rule is to permit the Commonwealth to seek an increase in a defendant's monthly payment towards previously imposed costs, fines, and restitution when the Commonwealth has good cause to believe the defendant's financial circumstances have substantially changed.

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

PART A. Philadelphia Municipal Court Procedures Rule 1002. Procedure in Summary Cases.

[(A)](a) Except as provided in this rule, [or] by local rule authorized by this rule, or elsewhere in Chapter

10, all criminal proceedings in which a person is accused only of one or more non-traffic summary offenses or violations of municipal criminal ordinances shall proceed as provided in Chapter 4 of the Rules of Criminal Procedure.

[(B)](b) Non-traffic summary proceedings shall be instituted either by a citation issued to the defendant or [**arresting**] **an arrest** without a warrant [**when**] **if** arrest is specifically authorized by law.

(1) *Issuance of Citation.*

[(a)](i) The law enforcement officer shall issue the citation to the defendant pursuant to Rule 405 (Issuance of Citation), together with a notice to appear, unless required to proceed pursuant to [**paragraph (B)(1)(e)**] **subdivision (b)(1)(v)**. The notice to appear shall:

[(i)](A) direct the defendant to appear before a judge or trial commissioner on a date and at a time certain in a specified court room, and

[(ii)](B) shall advise the defendant that failure to appear shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.

[(b)](ii) When authorized by local rule promulgated pursuant to Rule 105 (Local Rules), the law enforcement officer may prepare, verify, and transmit a citation electronically. The law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Rule [**403(A)**] **403(a)** (Contents of Citation) and a notice to appear. The notice to appear shall:

[(i)](A) direct the defendant to appear before a judge or trial commissioner on a date and at a time certain in a specified court room, and

[(ii)](B) shall advise the defendant that failure to appear shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.

[(c)](iii) Within [**5**] **five** days after issuance of the citation and notice to appear, the citation shall be filed with the clerk of Municipal Court.

[(d)](iv) When the defendant appears before the judge or trial commissioner, as provided in [**paragraph (B)(1)(a) or (B)(1)(b)**] **subdivision (b)(1)(i) or (b)(1)(ii)**, the judge or trial commissioner shall explain the process to the defendant.

[(i)](A) If the defendant enters a guilty plea, the judge or trial commissioner shall impose the fines and costs.

[(ii)](B) If the defendant enters a not guilty plea, the judge or trial commissioner shall set a date for trial before a judge and issue a subpoena to the defendant. The judge or trial commissioner shall advise the defendant that failure to appear at the trial shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.

[(iii)](C) If applicable, after paying any fee imposed, the defendant may be accepted into the Municipal Court's summary case diversionary program, or any other diver-

sionary program offered pursuant to local rule promulgated pursuant to Rule 105 (Local Rules). When the defendant successfully completes the Municipal Court's summary case diversionary program, the defendant's arrest record **shall** automatically [**will**] be expunged.

[(e)](v) When required by local rule promulgated pursuant to Rule 105 (Local Rules), the law enforcement officer shall take the defendant into custody and transport him or her to the appropriate district police station, where, without unnecessary delay, the law enforcement officer or a superior officer shall prepare and issue the citation to the defendant. Thereafter, the law enforcement officer, without unnecessary delay, shall transport the defendant to the Municipal Court for proceedings before a judge, and the case shall proceed as provided by local rule promulgated pursuant to Rule 105 (Local Rules).

[(f)](vi) The defendant shall not be slated, fingerprinted, or photographed, except as provided by law.

(2) *Arrest Without a Warrant.*

[(a)](i) [**When**] **If** an arrest without a warrant in a non-traffic summary case is authorized by law, the police officer shall take the defendant into custody and transport him or her to the appropriate district police station, where, without unnecessary delay, the police officer or a superior officer shall prepare and issue a citation to the defendant.

[(b)](ii) Except when the police officer is required to proceed pursuant to [**paragraph (B)(1)(e)**] **subdivision (b)(1)(v)**, or as otherwise provided in this rule, the case shall proceed as provided in Rule 441.

[(c)](iii) If the defendant is to be released pursuant to Rule 441(B), the defendant shall be released on his or her own recognizance and given a notice to appear on a date and at a time certain in a specified court room. The notice to appear shall advise the defendant that failure to appear shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.

[(d)](iv) If the defendant is not released under Rule 441(B), the defendant without unnecessary delay shall be brought before a judge, who shall proceed as provided in Rule 441(C).

[(C)](c) If the defendant fails to appear pursuant to the notice to appear issued as required by [**paragraphs (B)(1)(a), (B)(1)(b) or (B)(2)(c)**] **subdivision (b)(1)(i), (b)(1)(ii), or (b)(2)(iii)**, or a subpoena issued as required by [**paragraph (B)(1)(d)(ii)**] **subdivision (b)(1)(iv)(B)**, the case shall proceed as provided in [**paragraph (D)**] **subdivision (d)**.

[(D)](d) If the defendant fails to appear as required in [(C)] **subdivision (c)**, the trial shall be conducted in the defendant's absence, unless the judge determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant's absence. If the trial is not conducted in the defendant's absence, the judge shall issue a bench warrant for the defendant's arrest.

(1) At trial, the judge shall proceed to determine the facts and render a verdict in the same manner as trials in criminal cases are conducted in the Common Pleas Court

when a jury trial has been waived; however, the law enforcement officer observing the defendant's alleged offense may, but shall not be required to, appear and testify against the defendant. In no event shall the failure of the law enforcement officer to appear, by itself, be a basis for dismissal of the charges against the defendant. The allegations in the citation may be recited on behalf of the observing law enforcement officer by his or her representative or designee. The failure of the defendant to appear will be deemed to be a waiver of the right to present defense witnesses.

(2) If the defendant is found guilty, the judge shall impose sentence, and shall give notice by first class mail to the defendant of the conviction and sentence, of the right to file an appeal within 30 days for a trial *de novo*, and of the consequences for failing to pay the costs and fines imposed.

(3) In appeals from the summary conviction, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

[(a)](i) the defendant waives the presence of the law enforcement officer in open court on the record;

[(b)](ii) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding *pro se*, with the clerk of courts; or

[(c)](iii) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

[(E)](e) [When] If the same conduct is proscribed under an Act of Assembly and a municipal criminal ordinance, the charge shall be brought under the Act of Assembly and not under the ordinance.

Comment:

This rule[, which replaced former Rule 1002 in 2005, was developed] is intended to accommodate the procedures Philadelphia Municipal Court has implemented to address the issues in non-traffic summary cases unique to Philadelphia, to more efficiently handle the vast number of non-traffic summary cases, to protect the defendants' rights to a fair and prompt disposition of their cases, and, when appropriate, to provide the necessary rehabilitation or social services. Municipal Court is required to implement local rules pursuant to Rule 105 (Local Rules) enumerating the details of the summary proceedings following the issuance of a citation or a summons. For purposes of this rule, "local rule" includes all memoranda of understanding and administrative orders that affect non-traffic summary case procedures.

Once a summary case is appealed to the Court of Common Pleas for trial *de novo*, the case shall remain in the Court of Common Pleas. See also [Rule 462 and its Comment] Pa.R.Crim.P. 462 and cmt.

[The 2009 amendments to paragraph (B) conform] Subdivision (b) conforms the non-traffic summary citation procedures in Philadelphia with the statewide procedures governing the institution of a non-traffic summary case by issuing a citation to the defendant in person or arresting the defendant without a warrant. See

[Rules] Pa.R.Crim.P. 405 (Issuance of Citation) and 440 (Arrest Without Warrant). [The amendments require the] The police officer is required to issue a citation as provided in Rule 405 and proceed pursuant to [paragraph (B)(1)(a) or (B)(1)(b)] subdivision (b)(1)(i) or (b)(1)(ii), unless the case falls within the jurisdiction of one of Philadelphia Municipal Court's Nuisance Night Courts or Community Courts, or to arrest without a warrant when such an arrest is authorized by law.

The contents of the citation must comply with the requirements of Rule [403(A)] 403(a). The notice to appear required by [paragraphs (B)(1)(a), (B)(1)(b), and (B)(2)(c)] subdivisions (b)(1)(i), (b)(1)(ii), and (b)(2)(iii) may be added to the citation form.

Nothing in this rule is intended to permit the admission of double hearsay.

Arrests without a warrant in summary cases are authorized only in exceptional circumstances, such as cases involving enhanced penalties, or [when] if the defendant fails to produce identification, or [when] if there is violence or the imminent threat of violence, or when there is a likelihood that the defendant will flee.

Nothing in this rule prevents the filing of a citation pursuant to Rules 410 and 411.

[The 2009 amendments do not modify the current procedures governing Philadelphia Municipal Court's Nuisance Night Courts and Community Courts that are implemented by paragraph (B)(1)(e).]

Although defendants in summary cases ordinarily are not slated, photographed, or fingerprinted, the issuing authority should require the defendant to submit to administrative processing and identification procedures (such as fingerprinting) as authorized by law. See, e.g., 18 Pa.C.S. § 3929(g) [concerning] (regarding fingerprinting in retail theft cases for the purpose of grading the offense).

[The 2010 amendments added new paragraph (D) and related changes] Subdivision (d) is intended to clarify that summary trials in Philadelphia courts may be conducted in the defendant's absence, conforming Philadelphia practice with the statewide procedures governing trials in the defendant's absence. Compare [Rules] Pa.R.Crim.P. 454, 455 and 462.

Nothing in [paragraph (D)] subdivision (d) requires that the trial [in absentia] *in absentia* be conducted immediately.

Rule 456 regarding procedures for default and Rule 456.1 regarding determination of a defendant's means to pay are applicable to cases in the Philadelphia Municipal Court.

All summary offenses under the motor vehicle laws and parking violations are under the jurisdiction of the Municipal Court Traffic Division, the successor of the Philadelphia Traffic Court, see Act 17 of 2013, P.L. 55, No. 17 (June 19, 2013) and 42 Pa.C.S. §§ 102, 325, 1121, 1127, 1302, 1321.

[Official Note: Rule 6002 adopted June 28, 1974, effective July 1, 1974; amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended July 12, 1985,

effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended August 9, 1994, effective January 1, 1995; renumbered Rule 1002 and amended March 1, 2000, effective April 1, 2001. Rule 1002 rescinded August 15, 2005, effective February 1, 2006, and replaced by new Rule 1002; amended May 6, 2009, effective February 1, 2010; *Comment* revised February 12, 2010, effective April 1, 2010; amended December 22, 2010, effective February 20, 2011; *Comment* revised May 7, 2014, effective immediately.

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

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

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 4918 (September 3, 2005).

Final Report explaining the May 12, 2009 changes to paragraph (B) concerning issuing citations and arrest without warrants in summary cases published at 39 Pa.B. 2568 (May 23, 2009).

Final Report explaining the February 12, 2010 Comment revision concerning the disposition of summary offenses at the court of common pleas published with the Court's Order at 40 Pa.B. 1068 (February 27, 2010).

Final Report explaining the December 22, 2010 amendments published with the Court's Order at 41 Pa.B. 216 (January 8, 2011).

Final Report explaining the May 7, 2014 Comment revisions concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3056 (May 24, 2014).]

PART B. Philadelphia Municipal Court Traffic Division Procedures

Rule 1030. Scope of Summary Municipal Court Traffic Division Rules.

Except as provided in these rules or by local rule authorized by these rules, or elsewhere in Chapter 10, all criminal proceedings in which a person is accused of one or more summary traffic offenses only or violations of municipal traffic ordinances shall proceed as provided in Chapter 4 of the Rules of Criminal Procedure.

Comment:

These rules [were developed in 2005] are **intended** to accommodate the procedures Philadelphia Traffic Court implemented to address the issues in summary traffic cases unique to Philadelphia, to more efficiently handle the vast number of summary traffic cases, and to protect the defendants' rights to a fair and prompt disposition of their cases.

Rule 456 and Rule 456.1 regarding determination of a defendant's means to pay are applicable to cases in the Philadelphia Municipal Court Traffic Division.

The jurisdiction and functions of the Philadelphia Traffic Court were transferred to the Philadelphia Municipal Court Traffic Division in 2013, see Act 17 of 2013, P.L. 55, No. 17 (June 19, 2013) and 42 Pa.C.S. §§ 102, 325, 1121, 1127, 1302, 1321.

[See] See Rule 105 for the procedures for promulgating local rules.

[Official Note: Adopted September 9, 2005, effective February 1, 2006; amended May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5329 (September 24, 2005).

Final Report explaining the May 7, 2014 Comment revision concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3056 (May 24, 2014).]

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

Proposed Amendment of Pa.R.Crim.P. 403, 407, 408, 409, 411, 412, 413, 414, 422, 423, 424, 454, 462, 470, 702, 704, 705.1, 706, 1002, and 1030, adoption of Pa.R.Crim.P. 454.1, 456.1, 456.2, 702.1, 705.2, and 706.1, and rescission and replacement of Pa.R.Crim.P. 456

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 403 (Contents of Citation), 407 (Pleas in Response to Citation), 408 (Not Guilty Pleas—Notice of Trial), 409 (Guilty Pleas), 411 (Procedures Following Filing of Citation—Issuance of Summons), 412 (Pleas in Response to Summons), 413 (Not Guilty Pleas—Notice of Trial), 414 (Guilty Pleas), 422 (Pleas in Response to Summons), 423 (Not Guilty Pleas—Notice of Trial), 424 (Guilty Pleas), 454 (Trial in Summary Cases), 462 (Trial *De Novo*), 470 (Procedures Related to License Suspension After Failure to Respond to Citation or Summons or Failure to Pay Fine and Costs), 702 (Aids in Imposing Sentence), 704 (Procedure at Time of Sentencing), 705.1 (Restitution), 706 (Fines or Costs), 1002 (Procedure in Summary Cases), and 1030 (Scope of Summary Municipal Court Traffic Division Rules), adoption of Pa.R.Crim.P. 454.1 (Sentencing in Summary Cases), 456.1 (Ability to Pay Determination), 456.2 (Commonwealth Request for Ability to Pay Hearing), 702.1 (Ability to Pay Determination), 705.2 (Fines—Sentencing), and 706.1 (Commonwealth Request for Ability to Pay Hearing), and rescission and replacement of Pa.R.Crim.P. 456 (Default Procedures: Restitution, Fines, and Costs) in order to permit the reduction or waiver of costs and fines as permitted by 42 Pa.C.S. § 9730 as amended by Act 163 of 2022, to eliminate the requirement of collateral in certain summary matters, to enlarge the time for responding to a summary citation or summons from ten days to 30 days, and to consolidate summary sentencing procedures.¹

Background

In 2018 and 2019, the Committee published for comment a proposal aimed at addressing issues related to the incarceration of possibly indigent defendants for failing to

¹ Stylistic amendments have also been made to conform to the Supreme Court of Pennsylvania Style and Rulemaking Guide for Procedural and Evidentiary Rules.

pay case assessments in summary cases. *See* 48 Pa.B. 496 (January 20, 2018) and 49 Pa.B. 1122 (March 16, 2019). That proposal sought to extend the time for responding to a summary citation or summons, to permit a defendant to avoid payment of collateral by certifying he or she is without the financial means to deposit the mandated amount, to provide more guidance to magisterial district judges when assessing a defendant's ability to pay, to require a magisterial district judge to consider a defendant's ability to pay in determining the amount of a fine and discretionary costs, and to create a procedure for an administrative hold on collection actions if the issuing authority determines that the defendant does not have an ability to pay. Since the prior proposal was published for comment, the Act of November 3, 2022, P.L. 2175, No. 163 (Act 163) was enacted. Act 163 substantially amended 42 Pa.C.S. § 9730 (Payment of court costs, restitution, and fines). Specifically, Act 163 revised § 9730 to: 1) expand the remedies available upon default or in anticipation of default; 2) authorize courts to refer accounts to collections if a defendant fails to appear for a financial determination hearing; and 3) include additional procedures related to defaulted accounts that have been turned over to collections.

With respect to additional remedies, amended § 9730(b)(3)(i) now provides for the reduction or waiver of costs or fines—except costs imposed under the Crime Victim Act, 18 P.S. § 11.1101—if the court determines that a defendant does not have an ability to pay in a single remittance. Prior to its amendment by Act 163, § 9730(b)(3)(i) only provided for payment in installments when a defendant was deemed unable to pay immediately or in a single remittance.

Additionally, if a defendant has already been ordered to make payments in installments and defaults on those payments or advises the court that default is imminent, § 9730(b)(3)(ii) now permits the court to reduce or waive costs or fines—except costs imposed under the Crime Victims Act, 18 P.S. § 11.1101—depending on the court's determination of a defendant's ability to pay after a rehearing. 42 Pa.C.S. § 9730(b)(3)(ii). Previously, a court was limited to ordering a new payment plan, leaving the payment plan unaltered, or re-sentencing the defendant to community service. *Id.* § 9730(b)(3)(ii). If the defendant's delinquent account was in collections at the time of the rehearing, and the court determines that the defendant lacks the financial ability to pay, the court shall waive any collection fee not previously paid by the defendant. *Id.* § 9730(b)(3)(iii).

Regarding collection efforts, § 9730(b)(2) permits an “issuing authority, senior judge, or senior magisterial district judge” to, *inter alia* send a delinquent account to a private collection agency if a defendant defaults in the payment of costs, restitution, or fines and the court determines the defendant has an ability to pay. As amended, § 9730(b) now permits an issuing authority, senior judge, or senior magisterial district judge to send a delinquent account to collection if an ability to pay hearing has been scheduled and the defendant fails to appear for the hearing. *Id.* § 9730(b)(2.1)(i). As a result, the delinquent account can be sent to collections without a determination that a defendant has the ability to pay. If a delinquent account has been sent to collections, § 9730(b), as amended, requires the collection agency to inform the defendant that a new ability to pay hearing

can be requested. *Id.* § 9730(b)(2.1)(ii). If the defendant requests a new hearing, collection efforts are held in abeyance. *Id.* § 9730(b)(2.2)(iii). If the defendant fails to appear for the requested hearing, then collections efforts may resume. *Id.* § 9730(b)(2.2)(iv).

Proposed Rule Changes

The proposed rule changes published here provide procedures for determining a defendant's ability to pay as well as procedures for courts to reduce or waive fines and costs as permitted by 42 Pa.C.S. §§ 9730(b)(3)(i) and (b)(3)(ii) as amended. Although subdivision (D)(2) of Rule 456 authorizes a court to avail itself of the remedies provided for by §§ 9730(b)(3)(i) and (b)(3)(ii),² the Committee believes uniform procedures governing ability to pay determinations and specifically incorporating a court's ability to reduce or waive fines and costs would be beneficial. Accompanying these proposed changes are many of those initially published in 2018 and 2019. *See supra*. However, those earlier proposals have been further modified in light of Act 163.

Response to a Summary Citation or Summons

As with the previous proposal, the Committee is here proposing to increase the time for a defendant to respond to a summary citation or summons from ten days to 30 days. This increase in the time to respond will provide a defendant with additional time to obtain the necessary funds to pay any assessments, such as fines and costs, and will thus likely reduce the number of not guilty pleas. Fewer not guilty pleas, in turn, will result in fewer warrants issued due to defendants not appearing for summary trials as there will simply be fewer summary trials scheduled. Rules 403, 407, 411, 412, and 422 would be amended to reflect this change. Additionally, defendants would be required to provide a current mailing address and telephone number with any written response to a citation or summons. Requiring defendants to provide current contact information will also help reduce the number of warrants issued as defendants will be more likely to timely receive court notices. Rules 408, 409, 413, 414, 423, and 424 would be amended to include this requirement.

Rules 409, 414, and 424 would be amended to require a defendant who wishes to plead guilty but cannot afford to pay the entirety of the fines and costs imposed to appear in person for sentencing to establish a payment plan.

Requirements for the posting of collateral for appearance at trial, whether the fines and costs specified in the citation or \$50 when the fines and costs are not specified, would be removed from Rules 408, 413, and 423. Additionally, Rule 403 would be amended to remove the notice requirement regarding the posting of collateral. *See* Pa.R.Crim.P. 403(b)(2)(i). Currently, the posting of collateral is only required when a defendant pleads not guilty by mail. *See* Pa.R.Crim.P. 408(a)(2), 413(a)(2), and 423(a)(2). When a defendant pleads not guilty in person, the imposition of collateral is discretionary. *See* Pa.R.Crim.P. 408(a)(1), 413(a)(1), and 423(a)(1). After much discussion of this requirement, the Committee concluded that the prepayment of fines and costs, prior to a finding of guilt, was fundamentally unfair, particularly given that a defendant who has been found guilty may enter into a payment plan to pay those same fines and costs over time. Additionally, no individualized assessment of a defendant's likelihood to appear, *compare* Pa.R.Crim.P. 523 (Release Criteria), is

² Subdivision (D)(2) provides, in part: “Upon a determination that the defendant is financially unable to pay as ordered, the issuing authority may . . . alter or amend the order as otherwise provided by law.” Pa.R.Crim.P. 456(D)(2) (emphasis added).

required when a defendant is pleading not guilty by mail and required to pay \$50 collateral. Instead, the requirement is applicable to all defendants. In the Committee's view, a defendant responding by mail to enter a not guilty plea, or appearing in person to enter a not guilty plea, is sufficient assurance that the defendant will appear for trial.

Sentencing in Summary Cases

Currently, sentencing provisions in summary cases are contained in several rules throughout Chapter 4. See Pa.R.Crim.P. 409(C)(5), 414(C)(5), 424(C)(5), and 454(F). Proposed Rule 454.1 (Sentencing in Summary Cases) would replace these subdivisions with a single rule governing sentencing in all summary cases regardless of how the proceedings were initiated. Subdivisions (a) through (d) of proposed Rule 454.1 would largely incorporate current procedure. Subdivision (e) through (g) would govern an issuing authority's determination of whether any financial obligations imposed at sentencing should be paid immediately in a single remittance or subject to a payment plan. In making this determination, the issuing authority would be required to assess a defendant's ability to pay pursuant to proposed Rule 456.1 (Ability to Pay Determination), unless the defendant were to waive that determination. Waiver is intended as an option for defendants who have the financial wherewithal to immediately pay all financial obligations in a single remittance. Subdivision (h) is derived from current procedures. See Pa.R.Crim.P. 454(F). Subdivision (i) sets forth the option of establishing a payment plan if the defendant is unable to pay all financial obligations in a single remittance. The defendant would also be advised of the default procedures found in Rule 456.

Rule 456, which governs default of payment of costs, fines, or restitution, would be rescinded and replaced. Subdivision (a) of proposed Rule 456 would provide three bases for a post-sentence ability to pay hearing: when the defendant has defaulted, when a defendant advises that default is imminent, and upon a defendant's request for a hearing after his or her account is in collections. Pa.R.Crim.P. 456(a)(1), (a)(2), and (a)(3) (proposed). If the defendant advises the court at sentencing that default is imminent, nothing in this proposal would prohibit the court from immediately conducting a hearing pursuant to subdivision (c). If a request is made pursuant to subdivision (a)(3), collection efforts are suspended. See 42 Pa.C.S. § 9730(2.2)(iii). However, the defendant is responsible for notifying the collection entity that a request for a hearing has been made. Pa.R.Crim.P. 456(a)(3) (proposed).

Subdivision (b) would govern the ability to pay hearing notice. Subdivision (b)(1) is intended for this notice to also serve as a default notice if that is the basis for the hearing. Subdivision (b)(3) would provide for an arrest warrant if the defendant does not attend the hearing. Subdivision (b)(4) would provide for a delinquent account to be turned over to collections if the defendant does not appear. The bench warrant under subdivision (b)(3) and collections under subdivision (b)(4) are not intended to be mutually exclusive.

Subdivision (c) governs the conducting of the hearing and is largely carried over from the current rule and prior proposal.

Subdivision (d) sets forth the options for the issuing authority depending upon the ability to pay determination. In subdivision (d)(1), if the defendant has the ability to pay, the court may order a wage attachment, turn the

account over for collections, or impose imprisonment. Subdivision (d)(1) also permits a defendant to pay the outstanding amount due.

Subdivision (d)(2) sets forth the options if the defendant does not have the ability to pay the outstanding costs, fines, and restitution. The options under subdivision (d)(2) are derived from Act 163. 42 Pa.C.S. § 9730(3).

Proposed Rule 456.1 (Ability to Pay Determination) would govern ability to pay determinations and would apply at sentencing and at default hearings. Subdivision (a) would require the defendant to complete the form found at subdivision (f). Subdivision (b) would permit the issuing authority to require additional documentary or testimonial evidence. For example, the issuing authority could require the defendant to testify. However, subdivision (b) is not intended to require supporting documentation for every aspect of the form. For example, if a defendant indicates reasonable monthly utility expenses, the defendant should not be required to produce electric, water, gas, sewer, and trash bills. Requiring such documentation would be overly burdensome on the defendant while also rendering subdivision (f)'s verification subject to 18 Pa.C.S. § 4909 meaningless.

Subdivision (c) would set forth three presumptions that a defendant cannot pay all financial obligations in a single remittance. However, subdivision (d) would clarify that no such presumption applies if the defendant refuses to complete the application or the information on the application is inaccurate or misstated.

Subdivision (e) would set forth a definition of "inability to pay." A defendant may be presumed to be unable to pay all financial obligations in a single remittance pursuant to subdivision (c), but subdivision (e) would include other factors to determine whether any amount can be paid or whether a defendant has an ability to pay notwithstanding the absence of a presumption.

While proposed Rule 456, discussed above, would provide for a defendant to request an ability to pay hearing, Pa.R.Crim.P. 456(a)(2) and (3) (proposed), proposed Rule 456.2 would permit the Commonwealth to request an ability to pay hearing via motion. Pursuant to this proposed rule, the court must schedule a hearing upon good cause shown of a substantial change in the defendant's ability to pay. As explained in the Comment, "The purpose of this rule is to permit the Commonwealth to seek an increase in a defendant's monthly payment towards previously imposed costs, fines, and restitution when the Commonwealth has good cause to believe the defendant's financial circumstances have substantially changed." Rule 456.2, cmt. (proposed).

As summary sentencing will be governed by Rules 456 and 456.1, subdivision (h)(1) of Rule 462 (Trial *De Novo*) would be amended to reference proposed Rule 456.1. The Comment to Rule 462 would also be amended to advise that Rules 456 and 456.1 "are applicable to summary appeal cases in the courts of common pleas." Pa.R.Crim.P. 462, cmt. (proposed).

In addition to impacting the remedies available when a defendant defaults, a court's ability to reduce or waive costs and fines as a result of Act 163 also impacts the procedures related to suspending a defendant's driver's license when the defendant has defaulted. Rule 470 (Procedures Related to License Suspension After Failure to Respond to Citation or Summons or Failure to Pay Fine and Costs), which provides the procedures for notifying the Department of Transportation when a defendant has defaulted or failed to respond to a summary citation

or summons, would be amended to incorporate the ability to pay procedures of proposed Rule 456 and to require an ability to pay determination to be made prior to notification being forwarded to the Department of Transportation.

In particular, if the issuing authority concludes that a defendant is financially unable to pay pursuant to proposed Rule 456, and the defendant did respond within the 15-day notice sent pursuant to proposed subdivision (b) of Rule 470, no notice would be sent to the Department of Transportation. Pa.R.Crim.P. 470(e) (proposed). If a notice had already been sent, the issuing authority would be required to notify the Department of Transportation and request the withdrawal of the license suspension. Pa.R.Crim.P. 470(g) (proposed).

Rule 470 would also be amended to require the notice of an impending license suspension to be sent upon default rather than at the expiration of the 10-day notice of Rule 456. Currently, when a defendant is in default, a 10-day notice that a bench warrant will be issued if the defendant fails to pay as ordered or fails to appear before the issuing authority is sent to the defendant. See Pa.R.Crim.P. 456(B). At the expiration of those 10 days, if the defendant has not responded, a bench warrant is issued, and the defendant is sent a second notice pursuant to Rule 470 advising that the defendant's license will be suspended in 15 days if the defendant fails to respond. See Pa.R.Crim.P. 470(a). As a result of this double notice, a defendant who has defaulted is effectively provided 25 days after default before a license suspension could begin.

It was suggested to the Committee that Rule 470 should be revised to permit issuance of the suspension notice at the same time as the 10-day notice issued upon default pursuant to Rule 456. Sending the notices simultaneously would likely provide a stronger incentive to pay or appear before the issuing authority as the defendant would be made aware, at the time of default, of both the impending warrant and impending license suspension. Currently, a defendant is only made aware of a potential license suspension after the 10-day notice has already expired. Thus, a new subdivision (b) is proposed that would require the notice of an impending license suspension to be sent upon default rather than at the expiration of the 10-day notice of Rule 456.

Sentencing in Court Cases

In addition to proposing to amend rules governing sentencing in summary cases and proposing the adoption of several new rules addressing ability to pay determinations in summary cases, the Committee is similarly proposing to adopt several new rules and to amend existing rules governing sentencing in court cases. Like the proposed amendments and proposed new rules already discussed, the amendments and new rules proposed below would incorporate the authority to reduce or waive costs and fines granted to courts by 42 Pa.C.S. § 9730 as amended by Act 163. In concluding that § 9730 applies in court cases, the Committee was informed by the current practice of permitting common pleas judges to substitute community service for the payment of costs and fines pursuant to subdivision (b)(3)(ii) of § 9730. See 42 Pa.C.S. § 9730(b)(3)(ii) (permitting community service in lieu of costs and fines and amended by Act 163 to permit reduction or waiver of costs and fines). See also *Commonwealth v. Diaz*, 191 A.3d 850, 864 (Pa. Super. 2018) (recognizing the applicability of the procedures for failure to pay found in § 9730 to a defendant convicted of possessing drug paraphernalia, an ungraded misdemeanor).

Currently, to assist a judge in crafting an appropriate sentence, Rule 702 (Aids in Imposing Sentence) permits a judge to order a pre-sentence investigation report and to order a psychiatric or psychological examination of a defendant. To aid the judge in determining an appropriate fine at sentencing, Rule 702 would be amended to require a judge to order a defendant to complete a statement of financial ability pursuant to Rule 702.1 (proposed). See 42 Pa.C.S. § 9726(d). The Comment to the rule would also be amended to provide appropriate statutory citations related to the imposition of fines.

Proposed Rule 702.1 (Ability to Pay Determination) would contain the statement of financial ability form referenced in Rule 702. This rule is the court case analog of proposed Rule 456.1 and is identical to that rule with minor revisions necessitated by its applicability to court cases rather than summary cases.

To confirm and, if needed, supplement the information provided on a defendant's statement of financial ability, see Pa.R.Crim.P. 702.1 (proposed), a judge would be required to colloquy a defendant on the record at sentencing regarding the defendant's ability to pay fines, costs, and restitution pursuant to proposed subdivision (c)(2) of Rule 704 (Procedure at Time of Sentencing). The Committee is also proposing a new subdivision (c)(3) that would permit a judge to proceed with sentencing even if the defendant failed to provide a statement of financial ability pursuant to Rule 702(c) (proposed). The Committee concluded that sentencing should not necessarily be delayed because a defendant failed to complete the statement as ordered. For instance, a judge may conclude that the defendant's failure to complete the statement is not excusable and therefore the defendant has waived the benefit of the statement, e.g., a lower fine, and sentencing should proceed as scheduled.

With respect to the imposition of a fine at sentencing, the Committee is proposing new Rule 705.2 (Fines—Sentencing). This rule is intended to serve as a counterpart to Rule 705.1 (Restitution) and would include the requirements set forth in 42 Pa.C.S. § 9726 (Fine). Additionally, Rule 705.2 would prohibit a judge from imposing a fine unless the judge determines—after reviewing the defendant's statement of financial ability and colloquy with the defendant on the record—that the defendant has the ability to pay and that a fine will not interfere with the defendant's ability to make restitution. See Pa.R.Crim.P. 702(c) (proposed) and 704(c)(2) (proposed); 42 Pa.C.S. § 9726(c). To more clearly indicate that these two rules govern the imposition of a fine and restitution at sentencing, the title of Rule 705.1 would be amended to “Restitution—Sentencing.”

Once a sentence has been imposed, any default in payments is governed by Rule 706 (Fines or Costs). To better reflect the rule's substance and prevent confusion over when the rule is applicable, the Committee is proposing retitling the rule “Default of Payment of Costs, Fines, and Restitution.” See *Commonwealth v. Lopez*, 280 A.3d 887, 898 (Pa. 2022) (“[I]t is apparent Rule 706(C), like the rest of the rule, pertains to post-sentencing proceedings.”) (emphasis added). The rule would also be substantially revised to mirror Rule 456, further emphasizing that this rule is the court case analog of that rule. The proposed revisions to the text of Rule 706, like the proposed retitling of the rule, would also help eliminate ambiguity regarding when its provisions apply.

The Comment to the rule would be amended to advise that a hearing or rehearing regarding a defendant's nonpayment must be held prior to a judge imposing

imprisonment for a defendant's default. Additionally, the Comment would warn that a defendant may not be imprisoned for failure to pay if the defendant was not afforded counsel at the default hearing.

Like proposed Rule 456.2 in the summary case context, proposed Rule 706.1 would permit the Commonwealth to request an ability to pay hearing via motion in a court case. Pursuant to this rule, the court must schedule a hearing upon good cause shown of a substantial change in the defendant's ability to pay. As explained in the Comment, "The purpose of this rule is to permit the Commonwealth to seek an increase in a defendant's monthly payment towards previously imposed costs, fines, and restitution when the Commonwealth has good cause to believe the defendant's financial circumstances have substantially changed." Proposed Rule 706.1, cmt.

First Judicial District

The Comment to Rule 1002 would be amended to explain that "Rule 456 regarding procedures for default and Rule 456.1 regarding determination of a defendant's means to pay are applicable to cases in the Philadelphia Municipal Court."

The Comment to Rule 1030 would be amended to explain that Rules 456 and 456.1 are applicable to cases in the Philadelphia Municipal Court Traffic Division.

* * *

The Committee invites all interested persons to submit comments, suggestions, or objections.

[Pa.B. Doc. No. 24-225. Filed for public inspection February 23, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Amendment of Clerk of Court Fee Schedule; No. 0014-04-MD-2024; AO-05-2024

Order of Court

And Now, this 23rd day of January 2024, it is hereby *Ordered* and *Directed* that the fee schedule for the Dauphin County Clerk of Courts, adopted by an Administrative Order issued on October 13, 2015, by The Honorable Richard A. Lewis, docketed to 1361 MD 2015, is amended only to reflect that photocopies may be provided to the public upon request at a cost of \$.25 per page. This amendment is made in accordance with mandates made applicable to the Clerk of Courts subsequent to the 2015 Administrative Order. All other provisions of the current fee schedule as approved by This Court in 2015 shall remain in effect.

It is further *Ordered* and *Directed* that, pursuant to Pa.R.Civ.P. 239, the Court Administrator shall:

- (a) File seven (7) copies of this Order with the Administrative Office of Pennsylvania Courts;
- (b) Distribute two (2) certified copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) Cause a copy of this Order to be published in the *Dauphin County Reporter* once a week for two (2) successive weeks at the expense of Dauphin County; and

(d) Supervise the distribution of this Order to all Judges and members of the Bar of this Court.

By the Court

SCOTT ARTHUR EVANS,
President Judge

[Pa.B. Doc. No. 24-226. Filed for public inspection February 23, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Adoption of 39th Jud.Dis. Rules Jud.Adm. 5102.1, 5102.2, 5103.1 and 5103.2; Administrative Order re: AD: 9-2024

Order

And Now, this 5th day of February, 2024, pursuant to Pennsylvania Rule of Judicial Administration 103(c), the 39th Judicial District hereby adopts 39th Jud.Dis. Rules Jud.Adm. 5102.1, 5102.2, 5103.1, and 5103.2, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Accordingly, Mr. Mark Singer, District Court Administrator for the 39th Judicial District, is ordered and directed to do the following:

1. Email one (1) copy of this Order and the following rules to the Administrative Office of Pennsylvania Courts (AOPC) at adminrules@pacourts.us.
2. Mail one (1) paper copy of this Order and the following rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to the following address: Pa.Code and Bulletin, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120.
3. Email one (1) copy of this Order and the following rules in Microsoft Word format only to the Legislative Bureau at bulletin@palrb.us for publication in The *Pennsylvania Bulletin*.
4. File one (1) copy of this Order and the following rules with the following offices: the Clerk of Courts, Orphans' Court, and Prothonotary in both Franklin County and Fulton County, and mail one (1) copy to the Franklin County Law Library to be used for public inspection and copying.
5. Publish a copy of this Order and the following rules on the Franklin County Court website and the Fulton County Court website.
6. Incorporate and publish the following rules into the 39th Judicial District's set of local rules on the Franklin County Court website and the Fulton County Court website not later than Monday, March 25, 2024.

By the Court

SHAWN D. MEYERS,
President Judge

39th Jud.Dis.R.Jud.Adm. 5102.1. Custody of Exhibits Generally.

(a) *Application*. These Rules, 39th Jud.Dis.R.Jud.Adm. 5102.1—5103.2 and Pa.R.J.A. 5101—5105, shall apply to Court Proceedings as defined by Pa.R.J.A. 5101(a)(1).

(b) *Index of Exhibits and Confidential Information*.

1. During Criminal Court Proceedings, a member of the Clerk of Courts' office or Court designee shall maintain the Index of Exhibits. The member of the Clerk of Courts' office shall utilize the Exhibit List form provided by the AOPC/CPCMS program. To the extent the AOPC/CPCMS Exhibit List form is not available or accessible, the member of the Clerk of Courts' office or the Court designee shall utilize the Index of Exhibits form supplied by Court Administration substantially in the form denoted at the end of these Rules.

2. During all Non-Criminal Court Proceedings, the Court Stenographer, Courtroom Technician, or Court designee, shall maintain the Index of Exhibits. The Court Stenographer, Courtroom Technician, or Court designee shall utilize the Index of Exhibits form supplied by Court Administration substantially in the form denoted at the end of these Rules.

3. In all Court Proceedings, the Proponent shall include a properly completed Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the Proponent to the Court designee maintaining the Index of Exhibits at the time evidence is introduced.

4. The Index of Exhibits shall be filed of record with the corresponding Records Office, as defined by Pa.R.J.A. 5101(a)(7), before the Court declares the record closed, but not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(c) *Weapons, Contraband, and Hazardous Materials Pursuant to Pa.R.J.A. 5103(d), and Other Dangerous Items.*

1. *Dangerous Items Defined.* "Dangerous Items" within these Rules shall include, but are not limited to, weapons, cash, currency, money, negotiable instruments, other items of value, drugs, dangerous materials, guns, knives, explosives, controlled substances, narcotics, intoxicants, toxic materials, biological items, and biohazards. "Dangerous Items" may also include other items not specifically defined herein as determined by the presiding judge.

2. Each presiding judge in any Court Proceeding may issue special instructions to address the method by which Dangerous Items are offered into evidence, including the party that shall secure the exhibits while the Court Proceeding is in session, as well as during all breaks and recesses, which method shall be confirmed by an Order of Court.

3. In the absence of a Court Order, in any Court Proceeding where Dangerous Items are offered into evidence, the Proponent shall secure the exhibits while the Court Proceeding is in session, as well as during all breaks and recesses.

4. During a Court Proceeding, the Proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.

5. Exhibits comprised of Dangerous Items are prohibited from viewing in the jury room. The Court may direct alternative viewing arrangements for such exhibits upon the request of the jury.

6. At the conclusion of a Court Proceeding, all Dangerous Items which have been offered into evidence, whether or not admitted of record, shall be kept in the custody of

the Proponent, the Proponent's Designee, or such other person as designated by the presiding judge.

7. Dangerous Items categorized under this Rule may only be disposed of or destroyed by an Order of Court.

8. If there are Dangerous Items which require temporary storage, the Sheriff's Office shall provide the Proponent with an escort to the Records Office, as defined by Pa.R.J.A. 5101(a)(7), or other secure area designated by the presiding judge.

39th Jud.Dis.R.Jud.Adm. 5102.2. Custody of Exhibits During and After Proceedings.

(a) *Proceedings Docketed with the Prothonotary.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and 39th Jud.Dis.R.Jud.Adm. 5102.1(c), the Custodian of all exhibits shall be the Prothonotary or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the temporary custody of the Court Reporter, Courtroom Technician, or Court designee. As time permits, the Court Reporter, Courtroom Technician, or Court Designee shall deliver the documentary and non-documentary exhibits to the Custodian at the conclusion of each business day during the Court Proceeding. The Court Reporter, Courtroom Technician, or Court designee shall retrieve the documentary and non-documentary exhibits from the Custodian before the Court Proceeding resumes each day. Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the presiding judge and confirmed by an Order of Court.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), before the Court declares the record closed, but not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(b) *Proceedings Docketed with the Clerk of Courts.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and 39th Jud.Dis.R.Jud.Adm. 5102.1(c), the Custodian of all exhibits shall be the Clerk of Courts or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the presiding judge and confirmed by an Order of Court.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), before the Court declares the record

closed, but not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(c) *Proceedings Docketed with the Orphans' Court.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and 39th Jud.Dis.R.Jud.Adm. 5102.1(c), the Custodian of all exhibits shall be the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the presiding judge and confirmed by an Order of Court.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all of the exhibits, whether offered for admission during the proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), before the Court declares the record closed, but not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(d) *Proceedings before a Juvenile Hearing Officer.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and 39th Jud.Dis.R.Jud.Adm. 5102.1(c), the Custodian of all exhibits shall be the Juvenile Hearing Officer or the Court's designee.

2. *Custody of Exhibits During a Juvenile Court Proceeding.* Throughout a Juvenile Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the Juvenile Hearing Officer, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the Juvenile Hearing Officer, confirmed by a written agreement between the parties and the hearing officer, and said written agreement is placed on the record.

3. *Custody of Exhibits After a Juvenile Court Proceeding.* The Custodian shall maintain custody of all of the exhibits offered for admission during the Juvenile Court Proceeding until such time as the Juvenile Hearing Officer transfers custody of all of the exhibit(s) with the Juvenile Hearing Officer's proposed recommendation(s) to the Juvenile Court Judge. Once the Juvenile Court Judge enters an Order accepting or rejecting the Juvenile Hearing Officer's recommendation(s), the Juvenile Court Judge or their designee shall file all of the exhibits with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the entry of the Juvenile Court Judge's Order.

(e) *Proceedings before a Hearing Officer, or other Record/Quasi-Judicial Proceedings.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and 39th Jud.Dis.R.Jud.Adm. 5102.1(c), the Custodian of all exhibits shall be the Hearing Officer or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of

the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the Hearing Officer, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the Hearing Officer, confirmed by a written agreement between the parties and the Hearing Officer, and said written agreement is placed on the record.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits offered for admission during the Court Proceeding with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), within five business days of the conclusion of the Court Proceeding or within five business days of the lodging of the final decision by the Hearing Officer.

39th Jud.Dis.R.Jud.Adm. 5103.1. Custody of Exhibits. Special Provisions.

(a) *Photographs of Non-Documentary Exhibits.*

1. In advance of a proceeding, the Proponent shall prepare a physical, photographic copy of all potential, non-documentary exhibits pursuant to Pa.R.J.A. 5103(b).

2. The Proponent shall also include a separate document describing the photograph(s), including:

- i. the complete case name,
- ii. docket number,
- iii. judge assigned,
- iv. Proponent name and counsel name, if represented,
- v. date photograph was taken, and
- vi. the date of the proceeding where the exhibit is intended to be offered.

(b) *Media Depositions.* Media depositions presented at trial shall be retained by the Proponent. The Proponent shall submit either a copy of the media deposition on a portable media device or a transcript of the media deposition as an exhibit provided it complies with subdivision (c) of this Rule.

(c) *Reproduction of Oversized or Voluminous Documentary Exhibits.*

1. Where the intended, original documentary exhibit(s) exceeds 250 pages (single sided), the Proponent shall cause the exhibit to be transformed into a portable document file ("pdf") and placed onto a flash drive, thumb drive, usb drive, or other portable media-containing device.

2. The Proponent shall place the portable media device in an envelope not exceeding 8 1/2 by 11 inches containing either a label on the envelope or a separate document within the envelope describing the device's contents, including:

- i. the complete case name,
- ii. docket number,
- iii. judge assigned,
- iv. Proponent name and counsel name, if represented,
- v. creation date of original documents (if known),
- vi. date documents were reduced to pdf, and
- vii. the date of the proceeding where the exhibit(s) is intended to be offered.

(d) *Status Conference for Bulky, Oversized, or Otherwise Physically Impractical Exhibits.*

1. In advance of any proceeding where a Proponent anticipates their exhibit(s) will be categorized as bulky, oversized, or otherwise physically impractical pursuant to Pa.R.J.A. 5103(c)(3), the Proponent shall motion for a status conference to be attended by all counsel and parties of record, if unrepresented.

2. A status conference held pursuant to this subdivision may be held via telephone or other electronic means at the discretion of the presiding judge.

3. The presiding judge, counsel, and parties if unrepresented, shall discuss maintenance and security of the exhibit(s) both during and after the proceeding consistent with Pa.R.J.A. 5104(a)(4), and the presiding judge shall confirm same per an Order of Court.

39th Jud.Dis.R.Jud.Adm. 5103.2. Retention of Non-Documentary Exhibits.

(a) *Application.* Subdivisions (b), (c), and (d) of this Rule are subject to the alternate custody and disposition established, if any, pursuant to 39th Jud.Dis. Rules Jud.Adm. 5102.1(c), 5103.1(d), or subdivision (e) of this Rule.

(b) *Items held by Prothonotary.* The Prothonotary shall retain all non-documentary exhibits for not less than the timeframes indicated for documentary records in the County Records Manual pertaining to "PY-7 Civil Papers/Files," or other applicable, statutory period.

(c) *Items held by Clerk of Courts.*

1. *Criminal Matters not involving Juveniles.* The Clerk of Courts shall retain all non-documentary exhibits for the lesser of the following periods: the timeframes indicated for documentary records in the County Records Manual section "CC-10 Criminal Papers/Files," the death of the incarcerated person, the release of the person from incarceration including the period of mandatory supervised release for the offense(s), or other applicable, statutory period.

2. *Matters involving Juveniles.* The Clerk of Courts shall retain all non-documentary exhibits until the juvenile is age 25 or 10 years after the last action on the case, whichever is later, consistent with the County Records Manual pertaining to "CC-19 Juvenile Papers/Files" for documentary records, or other applicable, statutory period.

(d) *Items held by the Orphans' Court.* The Orphans' Court shall retain all non-documentary exhibits for not less than the timeframes indicated for documentary records in the County Records Manual pertaining to the "Offices of the Register of Wills and Clerk of The Orphans' Court," or other applicable, statutory period.

(e) *Alternate Disposition.* Notwithstanding the foregoing subdivisions, a designee from a Records Office (as defined by Pa.R.J.A. 5101(a)(7)), a party, or any other interested person or entity may petition the Court for the return, destruction, or other disposition of non-documentary evidence. A petition filed pursuant to this subdivision shall be decided by the presiding judge, if the presiding judge is unavailable the petition shall be decided by the president judge.

THE COURT OF COMMON PLEAS OF THE 39th JUDICIAL DISTRICT OF PENNSYLVANIA

Index of Exhibits

Case Name: _____

Docket Number: _____

Proceeding: _____

Date: _____

Presiding Judge: _____

Parties / Counsel Present: _____

<i>Number</i>	<i>Description / Title</i>	<i>Proponent</i>	<i>Admitted</i>	<i>Rejected</i>	<i>Sealed by Court</i>	<i>Confidential Info Sheet Required?</i>

Name of Person Completing this Index: _____

Title 255—LOCAL COURT RULES**MONROE COUNTY****Local Rule of Civil Procedure 1018.1 Rescinded,
Amended and Adopted; 5 CV 2024****Order**

And Now, this 7th day of February, 2024, it is *Ordered* that Monroe County Rule of Civil Procedure 1018.1 (Monroe Co.R.Crim.P. 1018.1) is amended to the following, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one (1) electronic copy of this Rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies of this Order and Rule with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.

3. Arrange to have this Rule published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have this Rule, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep this Rule, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

Rule 1018.1. Notice to Defend.

The name, address and telephone number of the organization to be set forth in the Notice to Defend required by Pa.R.C.P. 1018(c) and in any similar notice required by the Pennsylvania Rules of Civil Procedure shall be:

MONROE COUNTY BAR ASSOCIATION
FIND A LAWYER PROGRAM
P.O. BOX 591
STROUDSBURG, PENNSYLVANIA 18360
Telephone (570) 424-1340
Fax (570) 424-8234

NOTE: This Rule was amended in January of 2024, to reflect a new mailing address for the Monroe County Bar Association's Find a Lawyer Program.

[Pa.B. Doc. No. 24-228. Filed for public inspection February 23, 2024, 9:00 a.m.]

**DISCIPLINARY BOARD
OF THE SUPREME COURT****List of Financial Institutions**

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

SUZANNE E. PRICE,
Attorney Registrar

**FINANCIAL INSTITUTIONS APPROVED AS
DEPOSITORIES OF TRUST ACCOUNTS OF
ATTORNEYS****Bank Code A.**

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

Bank Code B.

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

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
675 **CENTRE 1ST BANK, A DIVISION OF OLD
DOMINION NATIONAL BANK**
394 **CFS BANK**
623 Chemung Canal Trust Company
599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank, NA
206 Citizens Savings Bank
576 Clarion County Community Bank
591 Clearview Federal Credit Union
23 CNB Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
380 County Savings Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
27 Dollar Bank, FSB

Bank Code E.

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

Bank Code F.

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

Bank Code G.

499 Gratz Bank (The)
498 Greenville Savings Bank

Bank Code H.

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

Bank Code I.

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

Bank Code J.

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

Bank Code K.

651 KeyBank NA
414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

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

Bank Code N.

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

Bank Code O.

653 OceanFirst Bank
489 OMEGA Federal Credit Union
94 Orrstown Bank

Bank Code P.

598 PARKE BANK
584 Parkview Community Federal Credit Union
40 Penn Community Bank
540 PennCrest Bank
419 Pennian Bank
447 Peoples Security Bank & Trust Company
99 PeoplesBank, a Codorus Valley Company
556 Philadelphia Federal Credit Union
448 Phoenixville Federal Bank & Trust
665 Pinnacle Bank
79 PNC Bank, NA
449 Port Richmond Savings
667 Premier Bank
354 Presence Bank
451 Progressive-Home Federal Savings & Loan
Association
637 Provident Bank
491 PS Bank

Bank Code Q.

107 QNB Bank
560 Quaint Oak Bank

Bank Code R.

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

Bank Code S.

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

Bank Code T.

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

Bank Code U.

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

Bank Code V.

611 Victory Bank (The)

Bank Code W.

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

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

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

IOLTA EXEMPTION

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

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

*New**Name Change*

191 First Columbia Bank & Trust Company—
Change to 191 Journey Bank

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 24-229. Filed for public inspection February 23, 2024, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 242 Disciplinary Rules Docket

Order*Per Curiam*

And Now, this 8th day of February, 2024, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

Bank Code A.

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

Bank Code B.

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

Bank Code C.

654	CACL Federal Credit Union
618	Capital Bank, NA
675	CENTRE 1ST BANK, A DIVISION OF OLD DOMINION NATIONAL BANK
394	CFS BANK
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
206	Citizens Savings Bank
576	Clarion County Community Bank
591	Clearview Federal Credit Union
23	CNB Bank
223	Commercial Bank & Trust of PA
21	Community Bank (PA)
371	Community Bank, NA (NY)
132	Community State Bank of Orbisonia
380	County Savings Bank
536	Customers Bank

Bank Code D.

339	Dime Bank (The)
27	Dollar Bank, FSB

Bank Code E.

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

Bank Code F.

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

Bank Code G.

499	Gratz Bank (The)
498	Greenville Savings Bank

Bank Code H.

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

Bank Code I.

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

Bank Code J.

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

Bank Code K.

651	KeyBank NA
414	Kish Bank

Bank Code L.

78	Luzerne Bank
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Bank Code M.

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

Bank Code N.

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

Bank Code O.

653	OceanFirst Bank
489	OMEGA Federal Credit Union
94	Orrstown Bank

Bank Code P.

598	PARKE BANK
584	Parkview Community Federal Credit Union
40	Penn Community Bank
540	PennCrest Bank
419	Pennian Bank
447	Peoples Security Bank & Trust Company
99	PeoplesBank, a Codorus Valley Company
556	Philadelphia Federal Credit Union
448	Phoenixville Federal Bank & Trust
665	Pinnacle Bank
79	PNC Bank, NA
449	Port Richmond Savings
667	Premier Bank
354	Presence Bank
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
491	PS Bank

Bank Code Q.

107	QNB Bank
560	Quaint Oak Bank

Bank Code R.

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

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

Bank Code T.

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

Bank Code U.

483	UNB Bank
481	Union Building and Loan Savings Bank
634	United Bank, Inc.
472	United Bank of Philadelphia
475	United Savings Bank

600	Unity Bank
232	Univest Bank & Trust Co.

Bank Code V.

611	Victory Bank (The)
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Bank Code W.

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

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

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

*New**Name Change*

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*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 24-230. Filed for public inspection February 23, 2024, 9:00 a.m.]

NOTICES

BOARD OF COAL MINE SAFETY

Meeting Rescheduled

The Board of Coal Mine Safety (Board) meeting scheduled for Wednesday, March 6, 2024, has been rescheduled to Wednesday, April 24, 2024.

Information will be provided on the Board’s webpage, found through the Public Participation tab on the Department of Environmental Protection’s (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Advisory Committees,” then “Mining,” then “Board of Coal Mine Safety,” then “2024”).

Individuals are encouraged to visit the Board’s webpage to confirm meeting date, time and location prior to each

meeting. Questions concerning the meeting can be directed to Peggy Scheloske at mscheloske@pa.gov or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske at (724) 404-3143 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. 24-231. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending February 13, 2024.

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-bnbnksbmssnspt@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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
02-09-2024	Driver Opportunity Partners I, LP (General Partner—Driver Management Company, LLC) Stamford Fairfield County, CT	Accepted

Application for approval to solicit revocable proxies from more than 10% of the holders of the shares of common stock of AmeriServ Financial, Inc., Johnstown, PA, and thereby indirectly acquire 10% or more of the voting control of AmeriServ Financial Bank, Johnstown, PA.

CREDIT UNIONS

No activity.

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>
01-24-2024	Hamlin Bank and Trust Company Smethport McKean County	427 and 443 Bruxelles Street Saint Marys Elk 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. 24-232. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Application by Keystone College to Amend Articles of Incorporation****Notice of Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Keystone College's change of ownership to execute a Membership Interest Transfer Agreement with Washington Institute for Education and Research, a Washington, DC nonprofit corporation formed for the purpose of funding, promoting and supporting postsecondary education, which will become the sole member of Keystone College. Keystone College will remain a domestic nonprofit corporation and the Board of Trustees will remain responsible for the academic and administrative affairs of the College.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice

in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher Education, Access and Equity, 607 South Drive, 3E, Harrisburg, PA 17120 on or before the due date prescribed by this notice. Persons wishing to review the application should call (717) 783-6786 or write to the previously listed address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact the Division of Higher Education, Access and Equity at (717) 783-6786 to discuss accommodations.

DR. KHALID N. MUMIN,
Secretary

[Pa.B. Doc. No. 24-233. Filed for public inspection February 23, 2024, 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>
4024801	Joint DEP/PFBC Pesticides Permit	New	David Mason Properties c/o Farmland Properties LLC 278 Street John's Road Drums, PA 18222	Butler Township Luzerne County	NERO
5823804	Joint DEP/PFBC Pesticides Permit	New	Joanne Mayerazk 13810 Dimock to Nicholson Road Hop Bottom, PA 18824-7706	Lathrop Township Susquehanna County	NERO
6424801	Joint DEP/PFBC Pesticides Permit	New	Mineur's Farm LLC 9 Deer Path Road Califon, NJ 07830	Damascus Township Wayne County	NERO
0469401	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Baden Borough Water Department 149 State Street Baden, PA 15005-1937	Baden Borough Beaver County	SWRO
PA0102547	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Oak Springs MHP LLC 153 E Flagler Street Miami, FL 33131-1101	Cranberry Township Butler County	NWRO
1069405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Oak Springs MHP LLC 153 E Flagler Street Miami, FL 33131-1101	Cranberry Township Butler County	NWRO
1073414	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Oak Springs MHP LLC 153 E Flagler Street Miami, FL 33131-1101	Cranberry Township Butler County	NWRO
1077405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Oak Springs MHP LLC 153 E Flagler Street Miami, FL 33131-1101	Cranberry Township Butler County	NWRO
6524400	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Donegal Township 137 Hoffers Lane Jones Mills, PA 15646-1117	Donegal Township Westmoreland County	SWRO
NOEXSC410	No Exposure Certification	Transfer	CAES Mission System LLC 3061 Industry Drive Lancaster, PA 17603-4025	East Hempfield Township Lancaster County	SCRO
NOEXSE209	No Exposure Certification	Renewal	Jabil Inc. 1303 Goshen Parkway West Chester, PA 19380-5986	East Goshen Township Chester County	SERO
PAG030109	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Maryland & Virginia Milk Producers Cooperative Association Inc. 13921 Park Center Road Suite 200 Herndon, VA 20171	Philadelphia City Philadelphia County	SERO

NOTICES

<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>
PAG034077	PAG-03 NPDES General Permit for Industrial Stormwater	New	Sonoco Products Co. 30 W Meadow Avenue Robesonia, PA 19551-1701	Robesonia Borough Berks County	SCRO
PAG034078	PAG-03 NPDES General Permit for Industrial Stormwater	New	Boyertown Foundry Co. P.O. Box 443 9th and Rothermel Drive New Berlinville, PA 19545-0443	Boyertown Borough Berks County	SCRO
PAG034079	PAG-03 NPDES General Permit for Industrial Stormwater	New	Little Washington Fabricators Inc. P.O. Box 304 Wagontown, PA 19376-0304	Christiana Borough Lancaster County	SCRO
PAG034080	PAG-03 NPDES General Permit for Industrial Stormwater	New	Oden II LLC dba Lebarrons Auto Salvage 305 Zeigler Road Dover, PA 17315-2139	Warrington Township York County	SCRO
PAG038337	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	JJ Kennedy Inc. P.O. Box 69 Zelienople, PA 16063-0069	Ridgway Township Elk County	NWRO
PAG038386	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ellwood Specialty Steel Co. 499 Honey Bee Lane New Castle, PA 16105-3807	Wilmington Township Lawrence County	NWRO
PAG042240	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Renewal	Heron Hill Hunt Club LLC 361 Stalker Road Equinunk, PA 18417-3522	Damascus Township Wayne County	NERO
PAG046475	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Miedel James 506 Harrer Lane Suite 100 Mount Pleasant, PA 15666-3614	East Huntingdon Township Westmoreland County	SWRO
PAG046476	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	McVicker Kevin 223 Wilpen Road Ligonier, PA 15658-2409	Ligonier Township Westmoreland County	SWRO
PAG058391	PAG-05 NPDES General Permit for Groundwater Cleanup	Renewal	Northwest Savings Bank 100 Liberty Street P.O. Box 128 Warren, PA 16365-2411	Clarion Borough Clarion County	NWRO
PAG124824	PAG-12 NPDES General Permit for CAFOs	Renewal	Rodney E Lane 1550 Harrison Fox Hill Road Harrison Valley, PA 16927-9424	Harrison Township Potter County	SCRO
PAG124851	PAG-12 NPDES General Permit for CAFOs	Renewal	Stahl James W 4089 Produce Road Selinsgrove, PA 17870-8161	Union Township Snyder County	SCRO
PAG124867	PAG-12 NPDES General Permit for CAFOs	Renewal	Landis Tim 2607 Klingerstown Road Herndon, PA 17830-7137	Jordan Township Northumberland County	SCRO
PAG124874	PAG-12 NPDES General Permit for CAFOs	Renewal	Kahler Jacob 2102 Schwaben Creek Road Rebuck, PA 17867-7001	Washington Township Northumberland County	SCRO
PAG133696	PAG-13 NPDES General Permit for MS4s	Renewal	Penn Township 100 Municipal Building Road Duncannon, PA 17020-1130	Penn Township Perry County	SCRO
PAG136343	PAG-13 NPDES General Permit for MS4s	Renewal	Robinson Township 8400 Noblestown Road McDonald, PA 15026	Robinson Township Washington 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>
0624401	Pump Stations Individual WQM Permit	Amendment	Muhlenberg Township Authority 2840 Kutztown Road Reading, PA 19605-2655	Muhlenberg Township Berks County	SCRO
6224401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Steppe Carol 5889 W Bluff Drive Keuka Park, NY 14478-9536	Farmington Township Warren County	NWRO
WQG01652401	WQG-01 WQM General Permit	New	Miedel James 506 Harrer Lane Suite 100 Mount Pleasant, PA 15666-3614	East Huntingdon Township Westmoreland County	SWRO
WQG01652402	WQG-01 WQM General Permit	New	McVicker Kevin 223 Wilpen Road Ligonier, PA 15658-2409	Ligonier Township Westmoreland County	SWRO
WQG02022402	WQG-02 WQM General Permit	New	Jefferson Hills Borough Allegheny County 925 Old Clairton Road Clairton, PA 15025-3133	Jefferson Hills Borough Allegheny County	SWRO
WQG02482303	WQG-02 WQM General Permit	New	Forks Township Northampton County 1606 Sullivan Trail Easton, PA 18040-8332	Forks Township Northampton County	NERO

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.

Southcentral Regional Office

PA0232327, Concentrated Animal Feeding Operation (CAFO), **Douglas E Groff and Alan D Groff (Still Waters Farm CAFO Union County)**, 87 Berkey Lane, New Columbia, PA 17856-7001.

Douglas E Groff and Alan D Groff have submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Still Waters Farm CAFO, Union County, located in White Deer Township, **Union County**.

The CAFO is situated near Unnamed Tributary to West Branch Susquehanna River (WWF, MF) in Watershed 10-C, which is classified for Warm Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 1,504.12 animal equivalent units (AEUs) consisting of 9,600 Swine Grow Finish, 25 Beef Cows, 12 Medium Breed Ewe, 25 Beef Replacement Heifer, and 12 Medium Breed Lamb. Liquid swine manure is stored in concrete underbarn manure storages below each swine barn. A roofed solid manure stacking structure is located onsite for storing the solid manure from the beef cattle. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

Northeast Regional Office

PA0061565, Sewage, SIC Code 7032, **Chestnut Lake Camp**, 1714 Wantagh Avenue, Wantagh, NY 11793-3904. Facility Name: Chestnut Lake Camp. This existing facility is located in Berlin Township, **Wayne 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 Beach Lake Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-A and is classified for High Quality Waters—Cold Water 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 0.021 MGD.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.26	XXX	0.85
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						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	17.1	XXX	34.2
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	5.7	XXX	11.4
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.021 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>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 0.021 MGD.

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

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

- Solids Management
- Discharge Reporting

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northeast Regional Office

PAI132216, MS4, **Easton City**, 123 S 3rd Street, Easton, PA 18042-4578. 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 Easton City, **Northampton County**. The receiving stream(s), Delaware River (WWF, MF), Lehigh River (WWF, MF), and Bushkill Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-F and 2-C and is classified for High Quality—Cold Water, Migratory Fish, Warm Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a Small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A revision proposal for their previously approved Pollutant Reduction Plan (PRP)

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

PAS232207, Storm Water, SIC Code 2821, **Gellner & Co. Inc.**, P.O. Box 208, Tamaqua, PA 18252-0208. Facility Name: Gellner Ind. This existing facility is located in Rush Township, **Schuylkill County**.

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

The receiving stream(s), Unnamed Tributary of Nesquehoning Creek (HQ-CWF), is located in State Water Plan watershed 2-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northwest Regional Office

PA0253227, Sewage, SIC Code 9511, **East Franklin Township, Armstrong County**, 106 Cherry Orchard Avenue, Kittanning, PA 16201-3310. Facility Name: Adrian STP. This existing facility is located in East Franklin Township, **Armstrong County**.

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

The receiving stream(s), Limestone Run (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 .018 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .018 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	5.5	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Wkly Avg 0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	3.8	XXX	XXX	25	XXX	50
Total Suspended Solids	4.5	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	GeoMean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen (lbs/mo)	5.1	XXX	XXX	34.5	XXX	69.0
Oct 1 - Apr 30						
May 1 - Sep 30	1.7	XXX	XXX	Report	XXX	23.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Part C 2—Chlorine Minimization
- Part C 110—Solids Management for Non-Lagoon Treatment Systems

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0081795, Sewage, SIC Code 4952, **TKSM LLC**, 1190 Wyndsong Drive, York, PA 17403-4492. Facility Name: Williams Grove MHP. This existing facility is located in Monroe Township, **Cumberland 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), Yellow Breeches Creek (CWF), is located in State Water Plan watershed 7-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 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	8.0	XXX	XXX	XXX
Oct 1 - May 31						
Jun 1 - Sep 30	XXX	XXX	7.0	XXX	XXX	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	200	XXX	1,000
May 1 - Sep 30				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0
Nitrate-Nitrite as N	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	
Total Kjeldahl Nitrogen	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	

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

PA0294357, Concentrated Animal Feeding Operation (CAFO), **Wilmer W Nolt (Nolt Farm Lot 166 Ulrich Rd)**, 166 Ulrich Road, Peach Bottom, PA 17563-9613.

Wilmer W Nolt has submitted an application for an Individual NPDES permit for a new CAFO known as Nolt Farm Lot 166 Ulrich Rd, located in Fulton Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to Conowingo Creek (HQ-CWF, MF) and Conowingo Creek (CWF, MF) in Watershed 7-K, which is classified for High Quality—Cold Water, Migratory Fish, and Cold Water, Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 229.51 animal equivalent units (AEUs) consisting of 90 Holstein Cows (Lactating and Dry), 20 Holstein Heifers, 20 Holstein Calves, and 18,000 Duck Finishers. Liquid duck manure is stored in a Slurrystore and heifer manure is stored in a concrete underbarn manure storage facility. There is a circular concrete manure storage located on the operation which is currently not in use. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

Southeast Regional Office

PA0026018, Sewage, SIC Code 4952, **Borough of West Chester**, 795 Downingtown Pike, West Chester, PA 19380-1972. Facility Name: West Chester Taylor Run STP. This existing facility is located in West Chester Borough, **Chester County**.

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

The receiving stream Taylor Run (TSF, MF), is located in State Water Plan watershed 3-H and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.05	XXX	0.15
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	311.4	475	XXX	25.0	40.0 Wkly Avg	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	188	282	XXX	15.0	23.0 Wkly Avg	30
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean	XXX	Report
Total Nitrogen	375	XXX	XXX	30.0	XXX	60
Ammonia-Nitrogen	94	XXX	XXX	7.5	XXX	15
Nov 1 - Apr 30						
May 1 - Oct 31	31	XXX	XXX	2.5	XXX	5
Total Phosphorus	25	XXX	XXX	2.0	XXX	4
Nov 1 - Mar 31						
Apr 1 - Oct 31	20.0	XXX	XXX	1.6	XXX	3.2
Aluminum, Total	9.38	12.8	XXX	0.75	1.03	1.03

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Zinc, Total	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Chloroform	Report	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUC)	Avg Qrtly XXX	XXX	XXX	Avg Qrtly XXX	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
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 003 are based on an average stormwater flow—Limits.

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
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

Stormwater Outfalls 002 and 004 are not required to be monitored.

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Chlorine Optimization
- E. Discharge to Small Stream
- F. Operator Notification
- G. TMDL/WLA Data
- H. Fecal Coliform Reporting
- I. Operations and Maintenance Plan
- J. Pretreatment Requirement
- K. Solids Management
- L. WET Testing Requirement
- M. Requirements for Stormwater Outfalls

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

The EPA Waiver is not in effect.

Southeast Regional Office

PA0245551, Storm Water, SIC Code 2711, **Journal Register Offset**, 390 Eagleview Boulevard, Exton, PA 19341-1155. Facility Name: Journal Register Exton Facility. This proposed facility is located in Uwchlan Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Shamona Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-H and is classified for Migratory Fishes and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

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

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

- Authorized non-stormwater discharges
- BMPs
- Stormwater monitoring requirements
- Routine inspection
- PPC Plan

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0110663, Sewage, SIC Code 4952, **Cresson Borough Municipal Authority**, 631 Second Street, Cresson, PA 16630. Facility Name: Cresson Borough STP. This existing facility is located in Cresson 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), Little Conemaugh River (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 1.5 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Concentrations (ug/L)			IMAX
	Average Monthly	Average Weekly	Average Monthly	Average Monthly	Daily Maximum	
Copper, Total (ug/L)	0.53	0.94	XXX	42.0	75.0	XXX
	Avg Qrtly	Daily Max		Avg Qrtly		

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Interim Limits

Parameters	Mass Units (lbs/day)		Concentrations (ug/L)			IMAX
	Average Monthly	Average Weekly	Average Monthly	Average Monthly	Daily Maximum	
Cyanide, Free (ug/L)	Report	XXX	Report	XXX	Report	XXX
Carbon Tetrachloride (ug/L)	Report	XXX	Report	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Concentrations (ug/L)			IMAX
	Average Monthly	Average Weekly	Average Monthly	Average Monthly	Daily Maximum	
Copper, Total (ug/L)	0.18	XXX	14.4	XXX	21.6	XXX
Cyanide, Free (ug/L)	0.05	XXX	4.14	XXX	6.21	XXX
Carbon Tetrachloride (ug/L)	0.007	XXX	0.55	XXX	0.82	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Concentrations (mg/L)			IMAX
	Average Monthly	Weekly Average	Average Monthly	Weekly Average	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	250.2	375.3	20.0	30.0	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	312.75	469.12	25.0	37.5	XXX	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	Report	XXX	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	375.3	562.95	30.0	45.0	XXX	60
Total Suspended Solids	Report	Report	Report	XXX	XXX	XXX
Raw Sewage Influent		Daily Max				
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report Min	XXX	XXX	XXX
Ammonia-Nitrogen	31.3	XXX	2.5	XXX	XXX	5
Nov 1 - Apr 30	18.76	XXX	1.5	XXX	XXX	3
May 1 - Oct 31	Report	XXX	Report	Report	XXX	XXX
Boron, Total	Report	XXX	Report	Daily Max	XXX	XXX
Iron, Dissolved	Report	XXX	Report	Report	XXX	XXX
Silver, Total	Report	XXX	Report	Daily Max	XXX	XXX
Zinc, Total	Report	XXX	Report	Report	XXX	XXX
Bis(2-Ethylhexyl)Phthalate (ug/L)	XXX	XXX	1.45	Daily Max	2.5	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Weekly Average</i>	<i>Daily Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Daily Max	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Daily Max	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Daily Max	XXX	XXX

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

The EPA Waiver is not in effect.

Southwest Regional Office

PA0285277, Sewage, SIC Code 8800, **Joseph and Lisa Yakelis**, 1504 State Route 18, Aliquippa, PA 15001-5996. Facility Name: Yakelis Properties SRSTP. This proposed facility is located in Raccoon Township, **Beaver 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), Tributary 33615 to Service Creek (HQ-CWF), is located in State Water Plan watershed 20-D and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0

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.

*Northcentral Regional Office*Applicant: **Repsol Oil & Gas USA, LLC**

Applicant Address: 337 Daniel Zenker Drive, Horseheads, NY 14845

Application Number: **PAD590016**

Application Type: Transfer

Municipality/County: Liberty Township, **Tioga County**

Project Site Name: Schanbacher Well Site Conversion

Total Earth Disturbance Area (acres): 17.6 acres

Surface Waters Receiving Stormwater Discharges: Salt Spring Run (HQ-CWF)

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

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

Project Description: Repsol Oil and Gas USA LLC proposes modification to a portion of the existing Schanbacher (08-711) Well Site which includes importing and placing gravel and the regrading of the topsoil stockpile. The site is currently permitted by DEP under ESG29-117-18-0020.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

*Southeast Regional Office*Applicant: **Delaware County**

Applicant Address: 201 W. Front Street, Media, PA 19063

Application Number: **PAD230079**

Application Type: New

Municipality/County: Middletown Township, **Delaware County**

Project Site Name: Delaware County Juvenile Detention Center Demolition

Total Earth Disturbance Area (acres): 5.1 acres

Surface Waters Receiving Stormwater Discharges: UNT to Rocky Run (HQ, CWF)

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

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

Project Description: This project proposes the demolition of the Delaware County Juvenile Detention Center. The existing building and other impervious surfaces will be removed. At present time there are no plans for redevelopment.

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: **Energy Transfer Marketing & Terminals, LP**

Applicant Address: 100 Green Street, Marcus Hook, PA 19061

Application Number: **PAD230076**

Application Type: New

Municipality/County: Marcus Hook Borough, **Delaware County**

Project Site Name: Marcus Hook Industrial Complex

Total Earth Disturbance Area (acres): 2 acres

Surface Waters Receiving Stormwater Discharges: Delaware River (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: The demolition and removal of structures and debris above grade, grading and stabilization of all disturbed areas (2 connected buildings within the Marcus Hook Industrial Complex (MHIC)) located along 100 Green Street in Marcus Hook, PA. The project area will remain in a state suitable for future new construction. The staging/stockpile area will be located in the same general area as the building demolition but will not be directly adjacent. The area will be utilized for material and waste staging and processing for disposal or reuse on site, where permitted in accordance with regulations. Existing access roadways will be utilized. There will be no change in impervious coverage between pre- and post-deconstruction activities. All work will be conducted outside the Floodway.

Special Conditions: N/A

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

Southwest Regional Office

Applicant: **Borough of Fox Chapel**

Applicant Address: 401 Fox Chapel Road, Pittsburgh, PA 15238

Application Number: **PAD020076**

Application Type: New

Municipality/County: Fox Chapel Borough, **Allegheny County**

Project Site Name: McCahill Park Improvements

Total Earth Disturbance Area (acres): 4.37 acres

Surface Waters Receiving Stormwater Discharges: Sycamore Run (HQ-WWF)

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

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

Project Description: The Borough of Fox Chapel plans to implement improvements to McCahill Park which consist of parking lot improvements, recreational field improvements, the addition of recreational courts, bleachers, stormwater facilities, erosion control facilities and all other appurtenances necessary.

Special Conditions: This permit does not authorize any obstructions or encroachments to any regulated watercourse or floodway. All permitting required for impacts to regulated watercourses or their floodway are subject to 25 Pa. Code Chapter 105. Appropriate authorization for impacts which require permitting under Chapter 105 must be obtained prior to beginning earth disturbance.

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

Northcentral Regional Office

Applicant: **University Area Joint Authority**

Applicant Address: 1576 Spring Valley Road, State College, PA 16801

Application Number: **PAD140106**

Application Type: New

Municipality/County: College Township, **Centre County**

Project Site Name: Spring Creek Pollution Control Facility

Total Earth Disturbance Area (acres): 4.72 acres

Surface Waters Receiving Stormwater Discharges: Spring Creek (HQ-CWF, MF)

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

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

Project Description: The project involves biosolids upgrade at existing wastewater treatment plant. Anaerobic digestion and dryer facility to replace composting facility.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Southcentral Regional Office

Applicant: **Boose Properties, LP**

Applicant Address: 402 Schaeffer Road, Lebanon, PA 17042

Application Number: **PAD380036**

Application Type: New

Municipality/County: South Lebanon Township, **Lebanon County**

Project Site Name: Boose Quality Castings

Total Earth Disturbance Area (acres): 5.47 acres

Surface Waters Receiving Stormwater Discharges: UNT to Quittapahilla Creek (TWF, MF)

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

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

Project Description: Expansion of existing industrial building and associated PCSM BMPs.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **TC Squared Plus, LLC**

Applicant Address: 138 Limestones Road, Holidaysburg, PA 16648

Application Number: **PAD050017**

Application Type: New

Municipality/County: Bedford Borough, **Bedford County**

Project Site Name: Springs Ridge Subdivision

Total Earth Disturbance Area (acres): 6.71 acres

Surface Waters Receiving Stormwater Discharges: Shobers Run (HQ-CWF)

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

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

Project Description: A 10-lot subdivision with driveways and PCSM facilities.

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: **Mid-Atlantic Interstate Transmission (A First Energy Company)**

Applicant Address: 800 Cabin Hill Drive, Greensburg, PA 15601

Application Number: **PA310001D**

Application Type: New

Municipality/County: Logan Township, **Huntingdon County**

Project Site Name: Warrior Ridge Substation Project

Total Earth Disturbance Area (acres): 4.13 acres

Surface Waters Receiving Stormwater Discharges: Juniata River (CWF, MF) via EV Wetlands

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

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

Project Description: Construction of an electrical substation, access road, and appurtenances.

Special Conditions: Wetland Monitoring

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).

ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Apple Shamrock Dairy Farm LLC 32821 Guys Mills Road Townville, PA 16360	Crawford County	3,380	1.05	Holstein Cows	HQ	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

CORRECTION—previously published on February 17, 2024.

Application No. 0124501, Construction, Public Water Supply.

Applicant	Pike Management
Address	425 North 21st Street Suite 302 Camp Hill, PA 17011
Municipality	Straban Township
County	Adams County
Responsible Official	David J. Rimmel, P.E. SIOR 425 North 21st Street Suite 302 Camp Hill, PA 17011
Consulting Engineer	Charles A. Kehew, II, P.E. James R. Holley & Associates 18 South George Street Suite 300 York, PA 17401
Application Received	January 29, 2024
Description	This action authorizes upgrades to the disinfection and booster pump systems within the Castle Hill Mobile Home Park water system and provides an updated 4-log inactivation of viruses calculation.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific

standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified individual, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following Notice(s) of Intent to Remediate.

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

Contact: Eric Supey, Environmental Program Manager.

Hunter Well Pad, Primary Facility ID # **866187**, 200 McMicken Road, Meshoppen, PA 18630, Meshoppen Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of production fluid (brine). The Notice of Intent to Remediate was published in *Susquehanna County Independent* on January 31, 2024. Application received: February 6, 2024.

UGI—Former Bethlehem (Crest Avenue and Signet Street) Manufactured Gas Plant, Primary Facility ID # **621652**, 1026 Feather Way, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. Silar Services, 1851 French Creek Road, Phoenixville, PA 19460 on behalf of UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, submitted a Notice of Intent to Remediate. Soil was impacted by volatile organic compounds, semi-volatile organic compounds, and metals from historic use as a manufactured gas plant. The Notice of Intent to Remediate was published in *The Morning Call* on February 8, 2024. Application received: February 12, 2024.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

Buckeye Malvern Terminal, Primary Facility ID # **872171**, 8 South Malin Road, Malvern, PA 19355, East Whiteland Township, **Chester County**. Daniel Sivco, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Zachary Stopay, Buckeye Partners, LP, 6161 Hamilton Boulevard, Allentown, PA 18106, submitted a Notice of Intent to Remediate. The site was found to be impacted with hydrocarbons associated with petroleum products, which are suspected to be present in both soil and groundwater on-site. The site currently operates as an active petroleum products storage and distribution

facility and the future use is to remain industrial. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *Daily Local News* on November 29, 2023. Application received: January 3, 2024.

Herskowitz Property, Primary Facility ID # **619539**, 914-924 South Broad Street, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Joseph Torlucci, Jr., Colliers Engineering & Design, Inc., 1500 JFK Boulevard, 2 Penn Center, Suite 222, Philadelphia, PA 19102 on behalf of Michael Asnes, 914 South Broad Owner LLC, 440 South Broad Street, Philadelphia, PA 19146, submitted a Notice of Intent to Remediate. The site was found to be contaminated with benzene in soil and to have limited groundwater impact. The proposed future use of the property will be both residential and nonresidential with a multi-story building constructed with ground-level shops and parking, and residential units on the upper floors. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Philadelphia Inquirer* on November 29, 2023. Application received: January 8, 2024.

Dedicated Right-of-Way, Primary Facility ID # **873073**, Northwest of the intersection Tomlinson Road and Philmont Avenue, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Michael Charlton, ESC Philmont, LLC, 5074 Dorsey Hall Drive, Suite 205, Ellicott City, MD 21042, submitted a Notice of Intent to Remediate. The site soil is impacted with mercury, lead, and arsenic. The proposed future use of the property will be a dedicated PennDOT right-of-way. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *Times Chronicle & Public Spirit* on January 14, 2024. Application received: January 10, 2024.

Dedicated Right-of-Way, Primary Facility ID # **873073**, Northwest of the intersection Tomlinson Road and Philmont Avenue, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Michael Charlton, ESC Philmont, LLC, 5074 Dorsey Hall Drive, Suite 205, Ellicott City, MD 21042, submitted a Notice of Intent to Remediate. The site soil is impacted with mercury, lead, and arsenic. The proposed future use of the property will be a dedicated PennDOT right-of-way. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *Times Chronicle & Public Spirit* on January 14, 2024. Application received: January 10, 2024.

1616 West Hunting Park, Primary Facility ID # **871542**, 1616-1620 West Hunting Park Avenue, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. Steve Vedder, Weaver Consultants Group, LLC, 2225 Sycamore Street, Harrisburg, PA 17110 on behalf of Judah Angster, Dwight City Group, 787 Eleventh Avenue, New York, NY 10019, submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with VOCs. The proposed future use of the property will be nonresidential. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was

published in *Daily News Legals* on November 20, 2023. Application received: December 7, 2023.

Philmont Country Club—Residential, Primary Facility ID # **873018**, Northwest of the intersection Tomlinson Road and Philmont Avenue, Huntingdon Valley, PA 19006, PA 19006, Lower Moreland Township, **Montgomery County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Michael Charlton, ESC Philmont, LLC, 5074 Dorsey Hall Drive, Suite 205, Ellicott City, MD 21042, submitted a Notice of Intent to Remediate. The site soil is impacted with mercury, lead, and arsenic. The proposed future use of the property will be residential. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *Times Chronicle & Public Spirit* on January 14, 2024. Application received: January 10, 2024.

Philmont Country Club—Portions of the South Course, Primary Facility ID # **855923**, Northwest of the intersection of Tomlinson Road and Philmont Avenue, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Jonathan Grebow, Concert Philmont LLC, care of Ridgewood Real Estate Partners, 25A Hanover Road, Suite 310, Florham Park, NJ 07932, submitted a Notice of Intent to Remediate. The site soil is impacted with mercury, lead, and arsenic. The proposed future use of the property will be maintenance as part of an existing golf course and/or open space. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *Times Chronicle & Public Spirit* on January 14, 2024. Application received: January 10, 2024.

RESIDUAL WASTE GENERAL PERMITS

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

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

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

WMGR081-NE005. AERC Acquisition Corporation d/b/a AERC Recycling Solutions, A Clean Earth Company, 2330 26th Street SW, Allentown, PA 18103, City of Allentown, **Lehigh County**. A permit renewal application for continued coverage under General Permit WMGR081 for the processing of electronic waste for beneficial reuse. Application received: October 19, 2023. Supplemental information: February 8, 2024. Deemed administratively complete: February 8, 2024.

Comments or questions concerning the application should be directed to Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public

comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Contact: Carrie A. Fleming, Program Manager, 717-705-4706.

101544. Greater Lebanon Refuse Authority, 1610 Russell Road, Lebanon, PA 17046, North Lebanon, North Annville and Swatara Townships, **Lebanon County**. This application is to renew the Solid Waste Management Permit for the Greater Lebanon Refuse Authority Municipal Waste Landfill. DEP will accept comments from the general public recommending revisions to, and approval or denial of the permit renewal application. Application received: January 26, 2024. Deemed administratively complete: February 8, 2024.

Comments or questions concerning the application should be directed to John Oren, Permitting Section Chief, 717-705-4706, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Southeast Region: Waste Management Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Mohamad Mazid, Chief, Technical Services, RA-EPWM-SERO-PERMITTS@pa.gov.

101477. Covanta 4Recovery Philadelphia, LLC, 2209 South 58th Street, Philadelphia, PA 19143, City of Philadelphia, **Philadelphia County**. This application is for the renewal of the existing Solid Waste Permit No. 101477 for the 58th Street Transfer Station Facility, owned and operated by Covanta 4Recovery Philadelphia, LLC (Covanta). The transfer facility is located at 2209 South 58th Street, Philadelphia, PA 19143 in Philadelphia County. Application received: January 26, 2024. Deemed administratively complete: February 8, 2024.

Comments or questions concerning the application should be directed to Waste Management Program Manager, 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMITTS@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

HAZARDOUS WASTE TRANSPORTER LICENSE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

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.

S-J Transportation Co., Inc., P.O. Box 169, Woodstown, NJ 08098. **License No. PA-AH 0015.** Accepted: January 17, 2024.

McClymonds Supply & Transit Co., P.O. Box 296, Portersville, PA 16051. **License No. PA-AH 0897.** Accepted: December 14, 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.

Triumvirate Environmental, Inc., 200 Inner Belt Road, Somerville, MA 02143. **License No. PA-HC 0245.** Accepted: January 31, 2024.

Greenleaf Environmental Services, LLC, P.O. Box 2558, Ashland, KY 41105. **License No. PA-HC 0281.** Accepted: January 31, 2024.

Waste Management of Pennsylvania, Inc., 6330 Route 219, Brockway, PA 15824. **License No. PA-HC0287.** Accepted: December 27, 2023.

**AIR QUALITY
PLAN APPROVAL AND OPERATING
PERMIT APPLICATIONS**

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office.

Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the DEP's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

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

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

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

36-03214B: The Hain Celestial Group, Inc., 3775 Hempland Road, Mountville, PA 17554, West Hempfield Township, **Lancaster County.** Application received: December 26, 2023. For the replacement of six 3.1 mmBtu/hr batch fryers with six 3.8 mmBtu/hr batch fryers at their facility. The replacement of the six fryers

system includes the addition of an extra mesh pad mist eliminators for each to control particulate matter emissions. The plan approval will also address the identification change of fryers 1—4 from batch to continuous fryers. The expected facility emissions after the proposed changes are as follows: 12.59 tpy of CO, 14.99 tpy of NO_x, 0.09 tpy of SO_x, 3.37 tpy of VOC 8.91 tpy of PM and 0.20 tpy of Total HAP's. The facility is a Natural Minor facility. DEP's review of the information submitted by the applicant indicates that air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping and reporting requirements, furthermore pertaining to air contamination sources and the emission of air pollutants including the best available technology requirement (BAT) of 25 Pa. Code § 127.1 and 127.12. Based on this finding, DEP proposes to issue a plan approval for the proposed activity. If DEP determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick, 570-826-2409.

48-00011, MC Project Co LLC/Martins Creek, 6605 Foul Rift Rd., Bangor, PA 18013-4857, Lower Mount Bethel Township, **Northampton County.** Application received: January 17, 2024. The Department intends to issue a modification to the Title V Operating Permit for the electrical power generation facility in Lower Mount Bethel Township, Northampton 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 primary emission units at the Martins Creek facility are two (2) natural gas and fuel oil-fired electric generating units—Unit 3 and Unit 4 (Source IDs 033 and 034). The proposed modification to the Title V Operating Permit requests 10% capacity factor limits on maintenance heaters 3 and 4 (Source IDs 108 and 109) and the incorporation of Boiler MACT provisions to the permit. The proposed 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.

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.

59-00006, Eastern Gas Transmission & Storage, Inc., 6603 West Broad Street, Richmond, VA 23230,

Lawrence Township, **Tioga County**. Application received: June 29, 2023. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department has received an application and intends to issue a renewal State Only (Synthetic Minor) Operating Permit for the Boom Compressor Station. Sources at the facility include two (2) 0.095 million Btu per hour Re-Verber-Ray radiant space heaters, one (1) 0.05 million Btu per hour Modine model PD-100AA0111 indirect space heater, one (1) 1.5 million Btu per hour Ajax WN1500 natural gas-fired boiler, one (1) 5.613 million Btu per hour, Engineering Technologies Inc. natural gas-fired indirect process heater, one (1) 28.769 million Btu per hour NATCO natural gas-fired Out of Storage indirect heat transfer glycol pipeline heater, one (1) 2,000 brake-horsepower Ingersoll Rand model KVS-CT natural gas-fired engine, one (1) 3,200 brake-horsepower Superior model 2416G natural gas-fired engine, one (1) emergency generator set incorporating a 400 brake horsepower Waukesha model F18GLD natural gas-fired engine, facility fugitive volatile organic compounds emission from the connections at the facility (piping, flange, seals, valves etc.) and facility planned blowdowns. The subject facility has the following annual potential emissions: 16.05 tons of CO; 93.04 tons of NO_x; 0.04 ton of SO_x; 2.66 tons of PM/PM₁₀; 12.41 tons of VOC; 5.64 tons of total HAPs; and 9,915 tons of CO_{2e}. The Department has determined that the sources at the facility satisfy best available technology requirements pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ Sections 63.6580—63.6675. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 63. 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.

60-00014, Evangelical Community Hospital, 1 Hospital Drive, Lewisburg, PA 17837, Kelly Township, **Union County**. Application received: September 29, 2023. The Department intends to issue a renewal State Only (Natural Minor) Operating Permit for the Lewisburg hospital facility. The facility's main sources include two (2) 12.55 million Btu per hour No. 2 fuel oil/natural gas-fired boilers, one (1) 24.7 million Btu per hour biomass-fired boiler, two (2) 4.0 million Btu per hour natural gas-fired boilers, six (6) emergency generator engines, one (1) 368 horsepower diesel fire-pump engine, one (1) 6,000 gallon diesel storage tank and one (1) 20,000 gallon No. 2 fuel oil storage tank. The facility has potential emissions of 55.89 tons per year of nitrogen oxides, 46.20 tons per year of carbon monoxide, 2.90 tons per year of sulfur oxides, 5.58 tons per year of particulate matter, 3.12 tons per year of volatile organic compounds, and 44,228 tons per year of carbon dioxide equivalent emissions. During the term of the last permit the facility installed two (2) 4.0 million Btu per hour natural gas-fired boilers, replaced an aging emergency generator engine with a 1,474 brake-horsepower Caterpillar model C32 emergency generator engine and replaced a 2,000 gallon No. 2 fuel oil storage tank with a 6,000 gallon storage tank. Additionally, the

5.95 MMBtu/hr York-Paraflow model HNCM000369 natural gas-fired absorption chiller was removed from the facility and replaced by an electrically powered unit. Pursuant to 25 Pa. Code § 123.22, the maximum allowable sulfur content in commercial No. 2 fuel oil was reduced to 0.0015% by weight. 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. 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.

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.

67-03004, Maple Press Company, P.O. Box 2695, 480 Willow Springs Lane, York, PA 17405, Manchester Township, **York County**. Application received: March 16, 2023. To issue a State Only Operating Permit for the printing facility. This is for renewal of the existing state-only permit. The potential to emit for the facility are calculated to be 7.14 tpy VOC, 6.90 tpy NO_x, 5.61 tpy CO, 1.11 tpy SO_x, 0.56 tpy PM₁₀, and 0.13 tpy HAP. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface Coating Processes, 25 Pa. Code § 129.67b Control of VOC emissions from offset lithographic printing presses and letterpress printing presses and 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Industrial, Commercial, and Institutional Boilers.

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

06-03078, Materion Brush, Inc., 100 Shoemakersville Road, P.O. Box 973, Reading, PA 19603, Perry Township, **Berks County**. Application received: October 13, 2023. To issue a State Only Operating Permit for the copper alloy finishing operations. This is a renewal of the State-Only Air Quality Operating Permit. The subject facility has the potential-to-emit 12.8 tpy of PM and less than one ton per year of HAPs. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ and 25 Pa. Code § 129.63.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

09-00235, CP Converters Inc./Bristol Twp, 181 Rit-tenhouse Cir, Bristol, PA 19007-1617, Bristol Township, **Bucks County**. Application received: October 17, 2022. The State-Only, Synthetic Minor Operating Permit for the operation of two (2) 10-color flexographic presses, one (1)

extrusion laminator and several insignificant sources is under review for renewal. The main pollutant from the facility is volatile organic compounds (VOC), and the VOC emissions are limited to 24,900 tpy facility-wide. The printing presses have a combined VOC limit of 20.00 tpy and are controlled with an RTO. Laminator emissions are limited to 4.05 tpy VOC by limiting use of isopropyl alcohol in the process to 8,100 lbs/yr. All appropriate monitoring, recordkeeping and work practice requirements as required under 25 Pa. Code §§ 127.441, 129.52b and 129.67a. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

09-00118, Associated Rubber, Inc., 115 S 6th St, Quakertown, PA 18961-1555, Quakertown Borough, **Bucks County**. Application received: September 29, 2023. This action is a renewal of a State Only Natural Minor Operating Permit. The facility's major emission sources include: one (1) vapor degreaser and one (1) boiler capable of firing both natural gas and No. 2 fuel oil. The facility also has various sources that have been determined to be insignificant including six (6) space heaters, four (4) mixing mills, one (2) above ground storage tank and two (2) sand blasting machine. The facility uses trichloroethylene (TCE) as a cleaning solvent. TCE has the potential to emit volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions. Potential emissions at the facility are as follows: 3.0 tons per year of NO_x; 3.26 tons per year of VOC; 1.65 tons per year of CO; 3.8 tons per year HAP; and less than 1 ton per year each of SO_x and PM. In addition to applicable State requirements the facility is subject to 40 CFR Part 63 Subpart T. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

23-00031, Mercy Fitzgerald Hospital, 1500 Lansdowne Ave, Darby, PA 19023, Darby Borough, **Delaware County**. Application received: December 27, 2022. This is for renewal of a non-Title V, Synthetic Minor Operating Permit in Darby Borough, Delaware County. The facility operates an acute care hospital. The proposed renewal of the operating permit does not authorize any increase in air emissions of regulated pollutants previously approved levels. The facility's major air emission includes three (3) boilers and three (3) emergency generators. There have been no changes since the last permit was issued in August 2018. The primary pollutant of concern is Nitrogen Oxides (NO_x). The potential total NO_x emissions for the facility is permit limited to 24.47 tons per year. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

09-00192, Waste Management of PA, Inc., 1120 Old Bordentown Rd, Morrisville, PA 19067, Falls Township, **Bucks County**. Application received: September 11, 2023. For the renewal of the Synthetic Minor Operating Permit for Waste Management's dock facility. The Synthetic Minor Operating Permit was last renewed on May 31, 2019. The facility is a bulk material handling and temporary storage facility. Sources include a Bulk Material Handling System (Source ID 101), a Scale House Generator (Source ID 103), a Scale House Emergency Generator (Source ID 102A), and a PCI Office Emergency Generator (Source ID 104). Fugitive emissions from the Bulk Material Handling System are controlled by wet suppression (Source ID C01). Road dust is also controlled by wet suppression (Source ID C03). The Scale House Generator (Source ID 103) and the Scale House Emergency Generator (Source ID 102A) are both subject to 40 CFR Part 60 Subpart IIII. The PCI Office Emergency Generator (Source ID 104) is subject to 40 CFR Part 63 Subpart ZZZZ. Applicable requirements have been incorporated into the permit renewal. Total potential emissions from the facility are: 1.09 TPY for NO_x, 0.09 TPY for VOC, 0.92 TPY for CO, 0.28 TPY for SO_x, 79.87 TPY for PM, and 0.01 TPY for Total HAP. The operating permit will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief, 412-442-4336.

30-00259, Cameron, 1614 E Roy Furman Hwy, Carmichaels, PA 15320, Cumberland Township, **Greene County**. Application received: October 24, 2023. In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue an initial natural minor State Only Operating Permit for a surface coating operation located in Cumberland Township, Greene County. Cameron International Corp. operates two spray booths at its Carmichaels Facility, where it refurbishes large valves. This facility has a potential to emit 26.8 tons/12-consecutive month period (12-cmp) of NO_x, 11.3 tons/12-cmp of CO, 0.4 ton/12-cmp of SO_x, 10.7 tons/12-cmp of VOCs, 2.2 tons/12-cmp PM₁₀, and 4.4 tons/12-cmp of total HAPs. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> and by contacting Tom Joseph, Environmental Engineering Manager, at 412-442-4336 or tjoseph@pa.gov. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (30-00259) and concise statements regarding the relevancy of the information or objections to issuance of the operating permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Environmental Engineering Manager, at the previously listed address.

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.

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.			

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 40990201. Jeddo-Highland Coal Company, 144 Brown Street, Yatesville, PA 18640, Hanover and Wilkes-Barre Townships and Laurel Run Borough, **Luzerne County**. Renewal of an anthracite coal refuse reprocessing operation affecting 194.4 acres. Receiving stream: UNT to Spring Run, classified for the following uses: CWF, MF. Application received: February 1, 2024.

Mining Permit No. 13160101. Atlantic Carbon Group, Inc., 100 Hazlebrook Road, Hazleton, PA 18201, Banks and Hazle Townships, **Carbon and Luzerne Counties**. Revision and related variance to effect, relocate and mitigate 0.988 acre of wetlands on an anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation affecting 465.5 acres. Receiving stream: Wetzel Run, classified for the following uses: CWF, MF. Application received: February 1, 2024.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

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

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 39970301. NPDES Permit No. PA0225908. Holcim (US), Inc., 5260 Main Street, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Renew NPDES Permit affecting 211.81 acres. Receiving stream: Coplay Creek, classified for the following uses: CWF, MF. Application received: February 2, 2024.

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.

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. PA0122629. Mining Permit No. 5074SM1. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Guilford Township, **Franklin County**. Renewal of NPDES permit affecting 434.94 acres. Receiving stream: unnamed tributaries of the Conococheague Creek classified for the following use: TSF. Application received: February 11, 2023.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following stormwater outfalls discharge to unnamed tributaries to Conococheague Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>
002	Existing	Treatment Outfall
003	Existing	Stormwater Outfall

The proposed effluent limits for the previously listed outfalls are as follows:

The following limits apply to all dry weather discharges from all facilities 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			
Temperature (°F)	Report			

In response to precipitation events Less than or Equal to the 10-year/24-hour precipitation event:

<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 Settleable Solids (mg/L)	N/A	N/A	N/A	0.5
Flow (gpm)	Report			
Temperature (°F)	Report			

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

Contact: Cassie Stanton, Clerical Assistant 2.

NPDES No. PA0596680. Mining Permit No. 4773SM2. Heidelberg Materials Northeast, LLC, 7660 Imperial Way, Allentown, PA 18195, Potter Township, **Centre County.** Application received: December 21, 2023.

Renewal of an NPDES permit for discharge of water resulting from surface mining of industrial minerals affecting 18.7 acres. Receiving stream(s): Cedar Run, classified for the following use(s): CWF, MF.

The following outfall discharges to Unnamed Tributary to Cedar Run:

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

The proposed effluent limits for the previously listed outfall are as follows:

<i>Outfalls: 001 (Discharges during Dry Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
<i>Parameter</i>			
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 001 (Discharges after ≤10-yr/24-hr Precip. Event)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
<i>Parameter</i>			
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

Outfalls: 001 (Discharges after >10-yr/24-hr Precip. Event)

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0595845. Mining Permit No. 58920301. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, New Milford Township, **Susquehanna County.** Application received: December 6, 2022.

Revision and renewal of NPDES permit affecting 120.09 acres. Receiving stream: Beaver Creek, classified for the following uses: HQ-CWF, MF.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following stormwater outfalls discharge to Beaver Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
001	Existing	Stormwater	1.7 MGD
002	New	Stormwater	1.0 MGD

The proposed effluent limits for the previously listed outfalls are as follows:

The following limits apply to dry weather discharges from the following Stormwater Outfalls: 001, 002

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/L)			Monitor And Report	
Turbidity (NTU)		40.0	80.0	100.0

The following alternate discharge limitations apply to discharges from the following stormwater outfalls resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (m/L)				0.5

¹This Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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

E4802224-002. JVI, LLC, 1265 Miller Road, Wind Gap, PA 18019, Plainfield Township, **Northampton County**. U.S. Army Corps of Engineers Philadelphia District. Application received: January 24, 2024.

To construct and maintain the following water obstructions and encroachments associated with the Green Knight Industrial Park II—Lots 6G, 6H and 6I project: 1. To place fill in 0.86 acre of wetlands for construction of the 192,000 square foot warehouse, access drive and grading. 2. To place fill in 0.02 acre of wetlands for construction of the 192,000 square foot warehouse, access drive and grading. To compensate for the permanent wetland impacts, the applicant will mitigate the full 0.88 acre of permanent wetland impacts via the In Lieu Fee (ILF) Program. The project is located on the left of Beers Way Road approximately 0.3 mile northwest after the intersection with Male Road (Wind Gap, PA Quad-rangle Latitude: 40° 50' 29.21", Longitude: -75° 18' 26.36") in Plainfield Township, Northampton County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E0603223-017. Bridging Pennsylvania Developer 1, LLC, Nova Tower 1, Suite 300, Pittsburgh, PA 15212, Greenwich Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 14, 2023.

To remove existing structure and to install and maintain (1) a 615-foot × 121 foot 4.5 inch bridge over Maiden Creek (TSF, MF) with riprap scour protection, and (2) to extend a 44–48 inch diameter culvert in UNT Maiden Creek (TSF, MF) culvert 73.3 feet, (3) to extend a 48-inch diameter pipe 12.3 feet in UNT Furnace Creek Maiden Creek, and (4) to relocate 127-feet of a UNT to Maiden Creek (TSF, MF). This is for the purpose of improving transportation safety in Greenwich Township, Berks

County (40.5768°, -75.8895°). The project proposes to permanently impact 538 linear feet of stream channel with 565 linear feet of temporary stream channel impacts and 0.45 acre of permanent wetland impact and 0.98 acre of temporary wetland impact.

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

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

E0901224-001. Upper Southampton Township, 939 Street Road, Southampton, PA 18966, Upper Southampton Township, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: January 3, 2024.

Upper Southampton Township is proposing to perform the following water obstruction and encroachment activities associated with the project in Tamanend Park listed as follows. Activities associated with channel stabilization in the top of bank of Tributary No. 2 to Mill Creek: 1) To fill within the floodway of Tributary No. 2 to Mill Creek for bank stabilization resulting in (2,990 sq ft, .07 acre) of temporary floodway impacts; 2) To fill within the Palustrine Emergent Wetland of East Branch of the Red Clay Creek for Pump Station reconstruction resulting in (299 sq ft, .01 acre) of permanent wetland impacts. This project is located near Tamanend Park, 1255 Second Street Pike, Southampton, PA 18966, Bucks County, (USGS PA Hatboro Quadrangle). Latitude: 40.182977°, Longitude: -75.034797°.

E0901224-002. Doylestown Borough, 10 Doyle Street, Doylestown, PA 18901, Doylestown Borough, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: January 22, 2024.

Doylestown Borough is proposing an installation of Post Construction Stormwater Management measures, as part of MS4 efforts, for stormwater discharge at the Fonthill Castle and Moravian Tile Works property. Work will include sediment forebay and two retentive berms for water quality improvements. The proposed impacts include permanently impacting 0.527 acre of man-made wetlands and 0.06 acre of stream impacts. The site is located near the intersection of SR 313 and Court Street (Buckingham, PA USGS map) in Doylestown Borough, Bucks County. Latitude: 40.32106°, Longitude: -75.12109°.

E4601224-006. Whitemarsh Township, 616 Germantown Pike, Lafayette Hill, PA 19444, Whitemarsh Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 6, 2024.

To demolish and remove an existing structure with site restoration and stabilization of the disturbed areas along the floodplain of Wissahickon Creek (WWF, MF). The site is located at 534 Bethlehem Pike, Fort Washington, PA 19034 (Ambler, PA USGS Quadrangle) in Whitemarsh Township, Montgomery County. Latitude: 40.126851°, Longitude: -75.218249°.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667/ (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0259802	CAFO Individual NPDES Permit	Issued	Wen Crest Farms LLC 549 Schaeffer Road Lebanon, PA 17042-9730	South Lebanon Township Lebanon County	SCRO
PA440001D	Chapter 102 Individual NPDES Permit	Issued	First Energy Corp 76 South Main Street Akron, OH 44308	Union Township Mifflin County	SCRO
PAD150262	Chapter 102 Individual NPDES Permit	Issued	Trieste Development LLC 101 Bridge Street 2nd Floor Phoenixville, PA 19460-3401	Phoenixville Borough Chester County	SERO
PAD390277	Chapter 102 Individual NPDES Permit	Issued	Lehigh County Authority 1053 Spruce Road P.O. Box 3348 Allentown, PA 18106	Upper Macungie Township Lehigh County	NERO
PAD450133	Chapter 102 Individual NPDES Permit	Issued	Tobyhanna Township 105 Government Center Way Pocono Pines, PA 18350-7741	Tobyhanna Township Monroe County	NERO
PAD510234	Chapter 102 Individual NPDES Permit	Issued	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107-2934	Philadelphia City Philadelphia County	SERO
PAD520050	Chapter 102 Individual NPDES Permit	Issued	Woodloch Pines Inc. 731 Welcome Lake Road Hawley, PA 18428-7840	Lackawaxen Township Pike County	NERO

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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>
PAD640008	Chapter 102 Individual NPDES Permit	Issued	Wayne Economic Development Corp 32 Commercial Street Suite 1 Honesdale, PA 18431-1897	Sterling Township Wayne County	NERO
PA0244210	Industrial Stormwater Individual NPDES Permit	Issued	Crystal Inc. 601 W 8th Street Lansdale, PA 19446-1809	Lansdale Borough Montgomery County	SERO
0124801	Joint DEP/PFBC Pesticides Permit	Issued	Osborn David 685 Cunningham Road Gettysburg, PA 17325-6935	Freedom Township Adams County	SCRO
2223806	Joint DEP/PFBC Pesticides Permit	Issued	Meehan Vincent T 308 Village Road Harrisburg, PA 17112-2440	Lower Paxton Township Dauphin County	SCRO
2224801	Joint DEP/PFBC Pesticides Permit	Issued	Bible Jesse 20 White Pine Drive Hershey, PA 17033-9533	Conewago Township Dauphin County	SCRO
4523802	Joint DEP/PFBC Pesticides Permit	Issued	Mt Airy Casino & Golf Course 115 Woodland Road Mount Pocono, PA 18344-7167	Paradise Township Monroe County	NERO
4823804	Joint DEP/PFBC Pesticides Permit	Issued	Lehigh Valley Corporate Center Assoc 559 Main Street Bethlehem, PA 18018-5862	Hanover Township Northampton County	NERO
5223802	Joint DEP/PFBC Pesticides Permit	Issued	Conashaugh Lakes Comm Association 102 Conashaugh Trail Milford, PA 18337-9530	Dingman Township Pike County	NERO
6723805	Joint DEP/PFBC Pesticides Permit	Issued	Eckert Troy 9528 Orchard Road Spring Grove, PA 17362-8654	Jackson Township York County	SCRO
PA0027049	Major Sewage Facility with CSOs Individual NPDES Permit	Issued	Williamsport City Sanitary Authority Lycoming County 253 W 4th Street Williamsport, PA 17701-6113	Williamsport City Lycoming County	NCRO
PA0009725	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Jersey Shore Steel Co. 70 Maryland Avenue Jersey Shore, PA 17740-7113	Pine Creek Township Clinton County	NCRO
PA0031879	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Pittsburgh District Church of The Nazarene 177 North Road Butler, PA 16001-0281	Franklin Township Butler County	NWRO
PA0041564	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Jones Estates PA LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-5798	Lancaster Township Butler County	NWRO
PA0028282	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Eagles Mere Borough Authority Sullivan County P.O. Box 393 Eagles Mere, PA 17731-0393	Eagles Mere Borough Sullivan County	NCRO

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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>
PA0028371	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Youngsville Borough 40 Railroad Street Youngsville, PA 16371-1427	Youngsville Borough Warren County	NWRO
PA0046418	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Middleboro Municipal Authority P.O. Box 189 McKean, PA 16426-0189	McKean Borough Erie County	NWRO
NOEXNC158	No Exposure Certification	Issued	Cactus Wellhead LLC 194 Aviation Way Reynoldsville, PA 15851-8188	Athens Township Bradford County	NCRO
NOEXNW185	No Exposure Certification	Issued	Metal Litho & Laminating LLC 242 Reynolds Park Drive Greenville, PA 16125	Pymatuning Township Mercer County	NWRO
NOEXSC410	No Exposure Certification	Issued	Caes Mission System LLC 3061 Industry Drive Lancaster, PA 17603-4025	East Hempfield Township Lancaster County	SCRO
PAG030114	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 NA Environmental Department Seattle, WA 98108-0842	Bensalem Township Bucks County	SERO
PAG030138	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Liberty Coating Co. LLC 21 Steel Road S Morrisville, PA 19067-3614	Falls Township Bucks County	SERO
PAG030206	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	First Student Inc. 600 Vine Street Suite 1400 Cincinnati, OH 45202	Doylestown Township Bucks County	SERO
PAG030227	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	AGC Chemicals American Inc. 255 S Bailey Road Downingtown, PA 19335-2003	Caln Township Chester County	SERO
PAG030275	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Feher John Inc. d/b/a JFI Redi Mix 18 Steel Road W Morrisville, PA 19067-3612	Falls Township Bucks County	SERO
PAG033633	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Johnson Ctrl Inc. 100 JCI Way York, PA 17406-8513	East Manchester Township York County	SCRO
PAG033720	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	GSM Ind Inc. 3249 Hempland Road Lancaster, PA 17601-6913	East Hempfield Township Lancaster County	SCRO
PAG033833	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ward Trucking LLC P.O. Box 1553 Altoona, PA 16603-1553	Logan Township Blair County	SCRO
PAG033858	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Johnson Controls Inc. 100 Cumberland Valley Avenue Waynesboro, PA 17268-1206	Waynesboro Borough Franklin County	SCRO
PAG033993	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mitsubishi Chemicals Adv Mat Inc. 2120 Fairmont Avenue Reading, PA 19605-3041	Reading City Berks 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>
PAG034004	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Dairy Farmers of American Inc. 1405 N 98th Street Kansas City, KS 66111-1865	Lower Allen Township Cumberland County	SCRO
PAG034021	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Zeigler Bros Inc. 400 Gardners Station Road Gardners, PA 17324	East Berlin Borough Adams County	SCRO
PAG034079	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Little Washington Fabricators Inc. P.O. Box 304 Wagontown, PA 19376-0304	Christiana Borough Lancaster County	SCRO
PAG034080	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Oden II LLC d/b/a Lebarrons Auto Salvage 305 Zeigler Road Dover, PA 17315-2139	Warrington Township York County	SCRO
PAG038347	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Russell Std Corp 285 Kappa Drive Suite 300 Pittsburgh, PA 15238-2814	Adams Township Butler County	NWRO
PAG038362	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	LKQ Northeast Inc. 3844 William Flynn Highway Slippery Rock, PA 16057-2328	Slippery Rock Township Butler County	NWRO
PAG038393	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Reynolds Service Inc. 860 Brentwood Drive Greenville, PA 16125-8865	Pymatuning Township Mercer County	NWRO
PAG038456	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Cranberry Township Venango County	NWRO
PAG038460	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Penn Pallet Inc. 675 Fillmore Road P.O. Box 8 Saint Marys, PA 15857-3227	Saint Marys City Elk County	NWRO
PAG038491	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Channellock Inc. 1306 S Main Street Meadville, PA 16335-3035	Meadville City Crawford County	NWRO
PAG038492	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Channellock Inc. 1306 S Main Street Meadville, PA 16335-3035	Vernon Township Crawford County	NWRO
PAG038494	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Evergreen Landfill Inc. 1310 Luciusboro Road Blairsville, PA 15717	Center Township Indiana County	NWRO
PAG038512	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Miller Welding & Mach Co. 111 Second Street P.O. Box G Brookville, PA 15825-2033	Brookville Borough Jefferson County	NWRO
PAG038521	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Meadville Forging Co. LP P.O. Box 4590 Meadville, PA 16335	West Mead Township Crawford County	NWRO
PAG038523	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Penn Sylvan International Inc. 43647 Fairview Road Spartansburg, PA 16434-1627	Rome Township Crawford 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>
PAG038530	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	New Berry Inc. 2408 Evans City Road Harmony, PA 16037-7724	Jackson Township Butler County	NWRO
PAG038586	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SA Recycling LLC 2411 N Glassell Street Orange, CA 92865-2717	Slippery Rock Township Butler County	NWRO
PAG040231	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Lynch Bran O and Jennifer K 167 E Avondale Road West Grove, PA 19390-9725	London Grove Township Chester County	SERO
PAG041245	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Joseph Dolin and Nicole Leya 16 Sunnybrook Drive New Castle, PA 16105-1834	Neshannock Township Lawrence County	NWRO
PAG041252	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Piccolin Rebecca 852 Beatty School Road Greenville, PA 16125	Salem Township Mercer County	NWRO
PAG041271	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Beattie Bernadette 526 W Cruikshank Road Valencia, PA 16059-1204	Adams Township Butler County	NWRO
PAG041277	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Brink Fay 3499 Rynd Road Cochranton, PA 16314-6923	Wayne Township Crawford County	NWRO
0200408	Pump Stations Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
0200414	Pump Stations Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
2097403	Pump Stations Individual WQM Permit	Issued	Titusville City 107 N Franklin Street Titusville, PA 16354-1734	Titusville City Crawford County	NWRO
9473-S	Pump Stations Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
0272421	Sewer Extensions Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
0299402	Sewer Extensions Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
9347-S	Sewer Extensions Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
9664-S	Sewer Extensions Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny 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>
9721-S	Sewer Extensions Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
9884-S	Sewer Extensions Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
9915-S	Sewer Extensions Individual WQM Permit	Issued	W Mifflin Sanitary Sewer & Stormwater Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	West Mifflin Borough Allegheny County	SWRO
PA0295434	Single Residence STP Individual NPDES Permit	Issued	Marx Thomas 129 Dutch Road Harmony, PA 16037-9215	Jackson Township Butler County	NWRO
PA0295493	Single Residence STP Individual NPDES Permit	Issued	Keller Gerald 8519 Lexington Road Girard, PA 16417-9120	Girard Township Erie County	NWRO
0218402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Sargent Lydia R 419 Patsy Drive Gibsonia, PA 15044-8939	Pine Township Allegheny County	SWRO
1023416	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Marx Thomas 129 Dutch Road Harmony, PA 16037-9215	Jackson Township Butler County	NWRO
1023417	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Beattie Bernadette 526 W Cruikshank Road Valencia, PA 16059-1204	Adams Township Butler County	NWRO
2523431	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Keller Gerald 8519 Lexington Road Girard, PA 16417-9120	Girard Township Erie County	NWRO
3718404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Joseph Dolin and Nicole Leya 16 Sunnybrook Drive New Castle, PA 16105-1834	Neshannock Township Lawrence County	NWRO
PA0058505	Small Flow Treatment Facility Individual NPDES Permit	Issued	Kilcar House Inc. 199 Union Road Quakertown, PA 18951	Richland Township Bucks County	SERO
PA0104213	Small Flow Treatment Facility Individual NPDES Permit	Issued	Pleasantview Conservative Mennonite Church 3488 County Line Road Cochranton, PA 16314	French Creek Township Mercer County	NWRO
PA0217166	Small Flow Treatment Facility Individual NPDES Permit	Issued	Grey Kenneth 13259 US Route 422 Kittanning, PA 16201-4035	Kittanning Township Armstrong County	NWRO
WQG010075	WQG-01 WQM General Permit	Issued	Lynch Bran O and Jennifer K 167 E Avondale Road West Grove, PA 19390-9725	London Grove Township Chester County	SERO
WQG01202401	WQG-01 WQM General Permit	Issued	Brink Fay 3499 Rynd Road Cochranton, PA 16314-6923	Wayne Township Crawford County	NWRO

<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>
WQG02252302	WQG-02 WQM General Permit	Issued	Harborcreek Township Sewer Authority Erie County 68 Port Access Road Erie, PA 16507-2204	Erie City Erie County	NWRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510315	PAG-02 General Permit	Issued	Woodmere Art Museum 9201 Germantown Avenue Philadelphia, PA 19116	City of Philadelphia Philadelphia County	SERO RA-EPNPDES_SERO@pa.gov
PAC350056	PAG-02 General Permit	Issued	Scranton Lackawanna Industrial Company 222 Mulberry Street Scranton, PA 18501	Jessup Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Road South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@pa.gov
PAC350057	PAG-02 General Permit	Issued	Scranton Lackawanna Industrial Company 222 Mulberry Street Scranton, PA 18501	Jessup Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Road South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@pa.gov
PAC400297	PAG-02 General Permit	Issued	Conyngham-Sugarloaf Joint Municipal Authority Joseph Gallagher 245 S. Main Street Conyngham, PA 18219	Sugarloaf Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC480071	PAG-02 General Permit	Issued	Air Liquids Advanced Materials, Inc. Formerly Voltaix 103 Demi Rd. Mt. Bethel, PA 18343	Upper Mount Bethel Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@pa.gov
PAC350169	PAG-02 General Permit	Issued	Brinker Restaurant Corporation A VA Corporation 3000 Olympus Blvd. Dallas, TX 75019-4880	Dickson City Borough Lackawanna County	Lackawanna County Conservation District 1027 S. Abington Rd. South Abington Township, PA 18411 570-382-3086 RA-EPWW-NERO@pa.gov
PAC230262	PAG-02 General Permit	Issued	130 S. Fairview Road, LLC 5 Knowles Creek Road New Hope, PA 18938	Ridley Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@pa.gov

NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC400274 A-1	PAG-02 General Permit	Issued	Forbo Flooring Inc. d/b/a Forbo Flooring Systems Mark DeBellis 8 Maplewood Drive Hazle Township, PA 18202	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC010248	PAG-02 General Permit	Issued	Fifty Properties LLC 73 Shirley Trail Fairfield, PA 17320	Carroll Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC220408	PAG-02 General Permit	Issued	Sheetz, Inc. 351 Sheetz Way Claysburg, PA 16625	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC460797	PAG-02 General Permit	Issued	Harold Kristel Kiner 309 Maple Street Richland, PA 17087-9602	New Hanover Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@pa.gov
PAC460866	PAG-02 General Permit	Issued	Merck Sharp Dohme LLC 770 Sumneytown Pike West Point, PA 19486-8000	Upper Gwynedd Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@pa.gov
PAC220413	PAG-02 General Permit	Issued	Milton Hershey School P.O. Box 830 Hershey, PA 17033	Derry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC460817	PAG-02 General Permit	Issued	Caracausa Acquisitions LP P.O. Box 1055 North Wales, PA 19454-1055	Towamencin Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@pa.gov
PAC220131	PAG-02 General Permit	Issued	Mid-Atlantic Interstate Transmission, LLC 2800 Pottsville Pike Reading, PA 19605	Derry Township East Hanover Township Londonderry Township Royalton Borough Middletown Township North Londonderry Township South Londonderry Township Dauphin County Lebanon County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC220420	PAG-02 General Permit	Issued	Andrew and Aleesha Lauger 285 Fishing Creek Valley Road Harrisburg, PA 17112	Middle Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
PAC670690	PAG-02 General Permit	Issued	West Manheim Township 2412 Baltimore Pike Hanover, PA 17331	West Manheim Township York County	York County Conservation District 2401 Pleasant Valley Road York, PA 17402 717-840-7430
PAC630312	PAG-02 General Permit	Issued	Pennsylvania American Water Company 300 Galley Road McMurray, PA 15317	Robinson Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC630315	PAG-02 General Permit	Issued	Wilderness Wildlife Center Foundation, Inc. 227 W Monroe Street Suite 500 Chicago, IL 60606	Smith Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC010216A-1	PAG-02 General Permit	Issued	Jamey and Sara Tatman 2291 Emmitsburg Road Gettysburg, PA 17325	Cumberland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC670675	PAG-02 General Permit	Issued	Mid-Atlantic Interstate Transmission, LLC 2800 Pottsville Pike Reading, PA 19605	City of York and Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC380295	PAG-02 General Permit	Issued	April Kreiser 510 Eisenhower Road Palmyra, PA 17078	Palmyra Borough Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275
PAC380296	PAG-02 General Permit	Issued	County of Lebanon 400 South 8th Street Lebanon, PA 17042	North Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275
PAC380295	PAG-02 General Permit	Issued	Matthew Balmer 125 Old Jonestown Road Lebanon, PA 17046	Bethel Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-277-5275

Permit Number	Permit Type	Action Taken	Applicant Name & Address	Municipality, County	Office
PAC050071	PAG-02 General Permit	Issued	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537	Everett Borough Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 3 Bedford, PA 15522 814-623-7900

**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**

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Approved or Disapproved
Hanover Shoe Farms, Inc. 2310 Hanover Pike Hanover, PA 17331	Adams County	2,725	1,093.46	Equine	NA	Approved
Wetzel Poultry Farms 2450 Mummasburg Road Gettysburg, PA 17325	Adams County	115	407.71	Turkey	NA	Approved
Ridge View Farms 189 Ridge View Road South Elizabethtown, PA 17022	Lancaster County	400.8	1,971.97	Dairy Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania*

Bulletin unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsyl-

vania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

SAFE DRINKING WATER

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

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

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Construction Permit No. 1923503, Major Amendment, Public Water Supply.

Applicant	PA American Water—Berwick
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Salem Township
County	Luzerne County
Consulting Engineer	Matthew Richey, PE 3121 Fairway Drive Altoona, PA 16602
Application Received	September 26, 2023
Permit Issued	February 7, 2024
Description	This permit authorizes the permittee to replace the existing Salem Booster Pump Station and install approximately 1,000 LF of 8-inch and 1,200 LF of 12-inch watermain to connect the new pump station to the existing water distribution system in Salem Township, Luzerne County.

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. 4023507, Major Amendment, Public Water Supply.

Applicant	BlueTriton Brands, Inc.
Address	305 Nestle Way Breinigsville, PA 18031
Municipality	Foster Township
County	Luzerne County
Consulting Engineer	Mark L. Pickering, P.E. GHD, Inc. 225 Grandview Avenue Suite 403 Harrisburg, PA 17011
Application Received	May 15, 2023
Permit Issued	February 7, 2024

Description	Construction permit for modifications to the Natures' Way raw water hauling station Site.
Operation Permit No. 3546634 , Public Water Supply.	
Applicant	Ice Cream Caboose, LLC
Address	94 West Donaldson Street Tremont, PA 17981
Municipality	Norwegian Township
County	Schuylkill County
Consulting Engineer	Mr Edward E. Davis, P.E. Director of Engineering Miller Bros Construction, Inc. 950 East Main Street Schuylkill Haven, PA 17972
Application Received	January 8, 2024
Permit Issued	February 7, 2024
Description	Permit for the creation of a new vended water system (PWS ID No. 3546634) with a mailing address of 94 West Donaldson Street, Tremont, PA 17981. The new vended water system is comprised of two Coster Model CTV-200 vending machine units (Serial Nos. 13886 and 13887), vended water storage, and necessary appurtenances located at 20 Kings Village Plaza along the Pottsville Minersville Highway (SR 901) in Minersville, PA 17954. The source of supply is finished water provided by the following two finished bulk water hauling systems: PWS ID No. 3546634 Eagle Springs, Inc.—Tremont, 88 West Donaldson St., Tremont, PA 17981 and PWS ID No. 3546400 Eagle Springs, Inc.—Par View Springs, 88 West Donaldson Street, Tremont, PA 17981.

Operation Permit No. 3546400, Public Water Supply.

Applicant	Eagle Springs, Inc.
Address	88 West Donaldson Street Tremont, PA 17981
Municipality	Tremont Township
County	Schuylkill County
Consulting Engineer	Mr. Edward E Davis, PE Director of Engineering Miller Bros Construction Inc. 950 East Main Street Schuylkill Haven, PA 17972
Application Received	January 8, 2024
Permit Issued	February 7, 2024

Description The permit is to update Eagle Springs' finished bulk water hauling permit, to remove two NAMA approved vending machines (with no additional treatment provided) and associated system components (water storage station) originally approved under PWS Permit No. 3546400 issued on April 2, 2015.

Construction Permit No. 3923508, Major Amendment, Public Water Supply.

Applicant **BlueTriton Brands, Inc.**
 Address 305 Nestle Way
 Breinigsville, PA 18031
 Municipality Washington Township
 County **Northampton County**
 Consulting Engineer Mr. Edward E. Davis, Sr., PE
 Miller Bros. Construction, Inc.
 P.O. Box 472
 950 East Main Street
 Schuylkill Haven, PA 17972

Application Received July 24, 2023

Permit Issued February 7, 2024

Description The permit was to add a new groundwater source of supply to the system for both plants, known as Greenwaltz Borehole No. 3 (B-3) (also to be known as Frontier Springs No. 2), located at the Greenwaltz Springs Facility site, 2521 Delabole Road, Bangor, PA 18013 in Washington Township, Northampton County.

Contact: Ryan Fox, Env. Engineering Specialist, 570-826-2533.

Operation Permit No. 2451075, Public Water Supply.

Applicant **Camelback Lodge & Waterpark**
 Address 193 Resort Dr.
 Tannersville, PA 18372
 Municipality Pocono Township
 County **Monroe County**
 Consulting Engineer RKR Hess, Inc.
 112 North Courtland St.
 East Stroudsburg, PA 18301

Application Received January 9, 2024

Permit Issued February 12, 2024

Description Operation Permit for General Corrosion Control Treatment approved under Construction Permit No. 4522507.

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

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist, 717-705-4700.

NCWSA Construction Permit 7500882. PWSID No. 7500882. **Perdix Fire Company No. 1, d/b/a Cove**

Mountain Farm Market, 2 Firehouse Rd, Duncannon, PA 17020, Penn Township, **Perry County**. Application received: August 14, 2023. Permit Issued: February 7, 2024. This action authorizes a well pump replacement and the installation of a flow restrictor.

Transfer Permit 3060839. PWSID No. 3060839. **Samper, LLC**, 8 Willow Street Industrial Park, Fleetwood, PA 19522, Washington Township, **Berks County**. Application received: January 3, 2024. Permit Issued: February 7, 2024. Transfer of the Community Health and Dental Care public water supply from Carmine Street, LLC to Samper, LLC.

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.

Construction/Operation Permit 2623512. PWSID No. 5260009. **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012, Washington Township, **Fayette County**. Application received: October 12, 2023. Permit Issued: November 7, 2023. Rehabilitated 212,000-gallon Route 201 Tank.

Construction/Operation Permit 5623502-C1. PWSID No. 4560029. **Municipal Authority of the Borough of Berlin**, 700 North Street, Berlin, PA 15530, Berlin Borough, **Somerset County**. Application received: March 9, 2023. Permit Issued: February 8, 2024. Existing polyphosphate chemical feed system for corrosion control and the Designation of Water Quality Performance Requirements.

Operation Permit 0223532. PWSID No. 5020039. **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, Baldwin Borough, **Allegheny County**. Application received: February 6, 2024. Permit Issued: February 8, 2024. 12,500-gallon temporary bulk storage tank for ferric chloride at the Hays Mine Water Treatment Plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the

remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The Department has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Eastern Gas Transmission and Storage, Inc., Tioga Compressor Station, Primary Facility ID # **870598**, 576 Palmer Road, Lawrenceville, PA 16929, Farmington Township, **Tioga County**. Moody and Associates, Inc., 101 N. Main Street, Suite 3, Athens, PA 18810, on behalf of Eastern Gas Transmission & Storage, Inc., 925 White Oaks Boulevard, Bridgeport, WV 26330, submitted a Final Report concerning remediation of soil contaminated with water/oil emulsion. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

South Shore Transportation Diesel Release Cleanup, Primary Facility ID # **871497**, I-80 Westbound MM 160.2, Bellefonte, PA 16823, Marion Township, **Centre County**. Bressler's Environmental Service, 2994 E Valley Road, Loganton, PA 17747, on behalf of South Shore Transportation, 4010 Columbus Avenue, Sandusky, OH 44870, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

Hunter Well Pad, Primary Facility ID # **866187**, 200 McMicken Road, Meshoppen, PA 18630, Meshoppen Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Weis Markets Transportation Project, Primary Facility ID # **873298**, SR 901, Lavelle, PA 17943, Barry Township, **Schuylkill County**. Bressler's Environmental Service, 2994 East Valley Road, Loganton, PA 17747, on behalf of Weis Markets, 1000 South Second Street, Sunbury, PA 17801, submitted a Final Report concerning

remediation of soil contaminated with diesel and motor oil from a truck accident. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Square One 103, Primary Facility ID # **687445**, 158-160 South Third Street, Easton, PA 18042, City of Easton, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lisa Dell'Alba and Brenda Rosado, P.O. Box AA, Hellertown, PA 18055, submitted a Final Report concerning remediation of soil and groundwater contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

1399 Piedmont Drive, Primary Facility ID # **853007**, 1399 Piedmont Drive, Downingtown, PA 19355, West Bradford Township, **Chester County**. James Mulry, 659 Telegraph Road, Coatesville, PA 19320, on behalf of Virginia Feathers, 1399 Piedmont Drive, Downingtown, PA 19335, submitted a Final Report concerning remediation of soil contaminated with benzene and 1,2,4-trimethylbenzene. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Penn Engineering and Manufacturing, Inc., Primary Facility ID # **620262**, 5190 Old Easton Road, Danboro, PA 18916, Plumstead Township, **Bucks County**. George Seidman, Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of Abhinnav Garikipati, Penn Engineering and Manufacturing, Inc., 5190 Old Easton Road, Danboro, PA 18916, submitted a Remedial Investigation Report concerning remediation of groundwater contaminated with chlorinated solvents. The Remedial Investigation Report is intended to document remediation of the site to meet the site-specific standards.

Buckeye Malvern Terminal, Primary Facility ID # **872171**, 8 South Malin Road, Malvern, PA 19355, East Whiteland Township, **Chester County**. Daniel Sivco, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Zachary Stopay, Buckeye Partners, LP, 6161 Hamilton Boulevard, Allentown, PA 18106, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline, leaded gasoline, diesel fuel, lead and No. 2 fuel oil. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

355 West Market Street, Primary Facility ID # **867047**, 355 West Market Street, West Chester, PA 19382, West Chester Borough, **Chester County**. Stephan Huxta, PG, Huxta Environmental, 461 Merlin Road, Phoenixville, PA 19460, on behalf of Gary Toll, 355 West Market Associates, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355, submitted a Final Report concerning remediation of soil contaminated with metals and PAHs. The Final Report is intended to document remediation of the site to meet the site-specific standards.

Sunoco Inc., Philadelphia Refinery (AOI 10), Primary Facility ID # **720775**, 3144 Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Colleen Costello, Sanborn, Head & Associ-

ates, Inc., 755 Business Center Drive, Suite 110, Horsham, PA 19044, on behalf of Tiffani L. Doerr, PG, Evergreen Resources Management, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Final Report concerning remediation of soil and groundwater contaminated with lead and organics. The Final Report is intended to document remediation of the site to meet the site-specific standards.

River Station, Primary Facility ID # **617044**, 304, 307 & 500 Brandywine Avenue, Downingtown, PA 19355, Downingtown Borough/East Caln Township, **Chester County**. Carl J. Bones, PE, Marathon Engineering and Environmental Services, Inc., 3 Killdeer Court, Suite 300, Swedesboro, NJ 08085, on behalf of Neal Fisher, PE, Brandywine Station, LP, 707 Eagleview Boulevard, Exton, PA 19341, submitted a Final Report concerning remediation of soil contaminated with other organics. The Final Report is intended to document remediation of the site to meet the site-specific standards.

National Construction Rentals, Primary Facility ID # **829825**, 6401 West Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. David DiPascale, TTI Environmental, Inc., 1253 North Church Street, Moorestown, NJ 08057, on behalf of Bill Baker, National Construction Rentals, Inc., 6416 Lakeview Road, Charlotte, NC 28269, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with diesel fuel and lead. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated

substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following plans and reports.

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

Contact: Nick, 814-332-6978.

Monoceros Well Pad, Primary Facility ID # **871475**, 253 West Eldorado Road, Parker, PA 16049, Parker Township, **Butler County**. Verdantas, 7000 Brooktree Road, Suite 310, Wexford, PA 15090, on behalf of LOLA Energy Petroco LLC, P.O. Box 360, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron, Lithium, Manganese, Selenium, Strontium, Iron, Zinc, and Vanadium. The Final Report demonstrated attainment of the Statewide health standards. Approved: February 12, 2024.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

Romill Associates, LP, Primary Facility ID # **844303**, 1312 Ridge Pike, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Michael Kern, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Charles J. Miller, MMCO Auto LLC, 1312 Ridge Pike, Conshohocken, PA 19428, submitted a Cleanup Plan concerning remediation of soil and groundwater contaminated with benzene, methyl tertiary butyl ether (MTBE), tetrachloroethene (PCE), and trichloroethene (TCE). The Plan did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: January 22, 2024.

202 Industrial Drive Site, Primary Facility ID # **870293**, 202 Industrial Drive, Avondale, PA 19311, New Garden Township, **Chester County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Patrick Taylor, Taylor Oil & Propane, Inc., 216 Birch Street, Kennett Square, PA 19348, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: February 7, 2024.

200 West State Street Site, Primary Facility ID # **853178**, 202 West State Street, Doylestown, PA 18901,

Downingtown Borough, **Bucks County**. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Larry Thomson, Kola, LLC, 16 North Franklin Street, Suite 11, Doylestown, PA 18901, submitted a Final Report concerning remediation of soil contaminated with lead and unleaded gasoline. The Final Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: February 6, 2024.

2944 Samuel Drive, Primary Facility ID # **840740**, 2944 Samuel Drive, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Howard Weiss, 2944 Samuel Drive, Inc., 4250 Wissahickon Avenue, Philadelphia, PA 19129, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with PAHs and inorganics. The Report did not demonstrate attainment of the site-specific standards. Disapproved: January 31, 2024.

4663 Paul Street, Primary Facility ID # **851394**, 4663 Paul Street, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. John Sunkler, EnviroSure, Inc., 1 North Bacton Hill Road, Suite 208, Malvern, PA 19355, on behalf of Kimberly Washington, Esq., Frankford Community Development Corporation, 4667 Paul Street, 2nd Floor, Philadelphia, PA 19124, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dibromoethane, 1,2-dichloroethane, benzene, ethylbenzene, isopropyl benzene, MTBE, naphthalene, toluene, and total xylenes. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: February 1, 2024.

Eco-Energy Philadelphia Ethanol Terminal, Primary Facility ID # **777122**, 4099 South Columbus Boulevard, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, PG, GEI Consultants, Inc., 1800 Horizon Way, Suite 200, Mt. Laurel, NJ 08054, on behalf of Chadwick Conn, Eco-Energy Distribution Philadelphia, LLC, 6100 Tower Circle, Suite 500, Franklin, TN 37067, submitted a Risk Assessment/Final Report concerning remediation of soil contaminated with benzo(a)pyrene, arsenic, thallium and benzene. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: February 7, 2024.

9 Albert Street, Primary Facility ID # **866206**, 9 Albert Street, Feasterville-Trevoze, PA 19053, Lower Southampton Township, **Bucks County**. Tim Moffitt, Trident Environmental, 1856 Route 9, Toms River, NJ 08755, on behalf of Emily Hodge, National Insurance, P.O. Box 8101, Wausau, WI 54402, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, isopropyl benzene, MTBE, naphthalene and 1,2,4- and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide health standards. Approved: January 22, 2024.

Wawa Food Market No. 8107, Primary Facility ID # **869501**, 3111 State Road, Croydon, PA 19021, Bristol Township, **Bucks County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Joseph W. Standen, Jr., PG, Wawa Inc., 260 West Baltimore Pike, Wawa, PA 19063, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, 1,2,4-TMB, 1,3,5-TMB,

and MTBE. The Final Report demonstrated attainment of the Statewide health standards. Approved: January 19, 2024.

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.

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.

S-J Transportation Co., Inc., P.O. Box 169, Woodstown, NJ 08098. **License No. PA-AH 0015**. Application received: January 17, 2024. Effective February 6, 2024.

McClymonds Supply & Transit Co., P.O. Box 296, Portersville, PA 16051. **License No. PA-AH 0897**. Application received: December 14, 2023. Effective February 6, 2024.

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.

Triumvirate Environmental, Inc., 200 Inner Belt Road, Somerville, MA 02143. **License No. PA-HC 0245**. Received on January 31, 2024. Effective February 6, 2024.

Greenleaf Environmental Services, LLC, P.O. Box 2558, Ashland, KY 41105. **License No. PA-HC 0281**. Received on January 31, 2024. Effective February 6, 2024.

Waste Management of Pennsylvania, Inc., 6330 Route 219, Brockway, PA 15824. **License No. PA-HC 0287**. Received on December 27, 2023. Effective February 6, 2024.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

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) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southeast Region: Waste Management Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Mohamad Mazid, Chief, Technical Services, E-Mail Address: RA-EPWM-SERO-PERMIT@pa.gov.

PAR000538058. Energy Transfer Marketing & Terminals, LP, 100 Green Street, Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. This application is for the ten-year renewal of the RCRA Hazardous Waste (Part B) Permit at Energy Transfer Marketing & Terminals, LP (formerly Sunoco Partners Marketing & Terminals, LP)—Marcus Hook Terminal Facility (Marcus Hook Terminal), a captive hazardous waste storage facility located at 100 Green Street, Marcus Hook, PA 19061, in the Borough of Marcus Hook, Delaware County. Application received: November 1, 2022. Permit issued: February 8, 2024.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMIT@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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.

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.

GP11-37-00373D: Amerikohl Aggregates, Inc.—Welsh Plant, 1384 State Route 711, Stahlstown, PA 15687, Wayne Township, **Lawrence County**. Issued a GP-11 to authorize use of a Caterpillar 3512 1,818 bhp diesel fired engine to power equipment at the Welsh Plant. This engine is controlled with an oxidation catalyst. This permit expires January 31, 2029. Application received: November 27, 2023. Issued: February 6, 2024.

GP1-10-00239D: MSA Safety Pittsburgh MFG, LLC, 1000 Cranberry Woods Dr, Cranberry Township, PA 16066, **Butler County**. Issued a GP-1 renewal for 2 existing natural gas fired boilers. Permit expires December 31, 2028. Application received: December 1, 2023. Issued: January 16, 2024.

GP1-20-00294D: Honeywell Intl Inc.—International Waxes Titusville, 1007 East Spring Street, Titusville, PA 16354, City of Titusville, **Crawford County**. Issued a GP-1 renewal for an existing natural gas fired boiler. Permit expires January 31, 2029. Application received: January 26, 2024. Issued: February 12, 2024.

GP14-25-01030B: Burton Funeral Homes & Crematory Inc., 3801 West Ridge Road, Erie, PA 16506, Mill Creek Township, **Erie County**. Issued a new GP-14 for a new natural gas fired animal crematory. Unit manufac-

tured by Pennram Diversified, Model LLC-50 Pet, rated at 50 lbs/hr. Permit expires December 31, 2028. Application received: December 6, 2023. Issued: January 16, 2024.

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.

GP3-36-03216A: R.S. Services, 119 Falls Road, Beech Creek, PA 16822, Manor Township, **Lancaster County**. For portable nonmetallic mineral processing equipment, including 3 crushers and 2 screens, under GP3, at the Frey Farm Landfill. Application received: January 16, 2024. Issued: February 7, 2024.

GP11-36-03216A: R.S. Services, 119 Falls Road, Beech Creek, PA 16822, Manor Township, **Lancaster County**. For five non-road engines under GP11, to operate portable nonmetallic mineral processing equipment, at the Frey Farm Landfill. Application received: January 16, 2024. Issued: February 7, 2024.

GP1-22-03019A: Harrisburg Housing Authority, 351 Chestnut Street, Harrisburg, PA 17101-2785, City of Harrisburg, **Dauphin County**. For five existing natural gas/No. 2 oil boilers, 10.461 MMBtu each, under GP1, at the Hall Manor site. The general permit authorization was renewed. Application received: January 31, 2024. Issued: February 9, 2024.

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.

65-00945F/AG5-65-00002A: Diversified Production, LLC, Coal Hollow Rd, Apollo, PA 15613, Bell Township, **Westmoreland County**. For the continued use of their existing sources which include: One (1) 1,340 bhp Caterpillar G3516LE natural gas-fired compressor engine. One (1) 5 MMscfd NATCO triethylene glycol dehydrator. One (1) Reboiler rated at 0.25 MMBtu/hr. Two (2) 4,200 gallon slop/drip tanks, one (1) 2,100 gallon secondary compressor slop/drip tank, and three (3) 4,200 gallon produced water tanks. Tank truck load-out operations. Facility fugitives, venting blowdowns, and pigging operations. Application received: December 20, 2023. Accepted: February 9, 2024.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

40-00153B: Modineer Pulverman, LLC, 1170 Lower Demunds Road, Dallas, PA 18612, Dallas Township, **Luzerne County**. For the modification of the powder coating spray operations to exhaust the dust collector discharge into outside atmosphere for seasonal heat relief at the existing manufacturing facility located in Dallas Township, Luzerne County. Application received: October 25, 2023. Issued: February 8, 2024.

40-00156A: Fabri-Kal, LLC, 955 Oak Hill Rd, Moun-tain Top, PA 18707, Wright Township, **Luzerne County**.

The plan approval was issued for the operation of a printing operation for plastic cups and containers with primary emission sources at the facility consisting of ten (10) UV-cured dry offset printing presses. Application received: August 2, 2023. Issued: February 1, 2024.

39-00108C: Tierpoint Two, LLC, 9999 Hamilton Blvd, Breinigsville, PA 18031, Upper Macungie Township, **Lehigh County**. The plan approval was issued for the installation and operation of four diesel-fired 2.5 MW emergency generators. Application received: November 8, 2023. Issued: February 2, 2024.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief, 484-250-5920.

09-0226B: Nosco ODSC, 1504 Grundy Ln, Units 4-8, Bristol, PA 19007-1521, Bristol Borough, **Bucks County**. This action is for the installation of a new HP Indigo 35000, seven-color digital printer at an existing facility. The proposed HP Indigo 35000 digital printer will be replacing an older, existing HP Indigo 30000 digital printer. Application received: February 5, 2024. Issued: February 6, 2024.

09-0010E: PEL Healthcare, LLC, 650 Cathill Rd, Sellersville, PA 18960-1512, West Rockhill Township, **Bucks County**. This action is for the extension of a plan approval for the reinstallation/reinstatement of 60" Tablet Coater (Source ID No. 117) and the Fluid Bed Processor (Source No. 122)—both sources were previously removed from the Operating Permit during the 2019 renewal. Application received: January 26, 2024. Issued: February 7, 2024.

23-0119J: Marcus Hook Terminal, 100 Green St, Marcus Hook, PA 19061-4800, Marcus Hook Borough, **Delaware County**. This action is for the extension of a plan approval for the installation and operation of sources, equipment, and operations to enable or accommodate the processing of approximately 140,000 barrels per day of ethane feedstock into—as well as the transient storage onsite and transfer offsite of—refrigerated (liquified) ethane product. Application received: November 20, 2023. Issued: February 7, 2024.

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-65-00629B: CBC Latrobe Acquisition, LLC, 100 33rd Street, Latrobe, PA 15650, Latrobe Borough, **Westmoreland County**. Plan Approval Extension issued for six months from date effective February 28, 2024, for completing the pending construction of liquid batching tanks (Source 101L) and four raw material storage tanks at the Latrobe Brewery in Latrobe Borough, Westmoreland County. Application received: January 31, 2024. Issued: February 8, 2024.

PA-04-00699H: Gold Bond Building Product, LLC, 168 Shippingport Hill Road, P.O. Box 346, Shippingport, PA 15077, Shippingport Borough, **Beaver County**. Plan Approval Extension is issued to allow Gold Bond to evaluate the sources for compliance with applicable regu-

lations and requirements in accordance with 25 Pa. Code § 127.12b(d) and performing stack test for their wall-board production facility located in Shippingport Borough, Beaver County. Application received: January 30, 2024. Issued: February 8, 2024.

PA-63-00549C: Arden Landfill, Inc., 200 Rangos Lane, Washington, PA 15301, Chartiers Township, **Washington County**. To adjust the sulfur dioxide emissions limits in the plan approval, incorporation of 40 CFR Part 62, Subpart OOO, and RACT III requirements. Application received: May 26, 2020. Issued: February 7, 2024.

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.

67-05001E: Magnesita Refractories Co., 425 South Salem Church Road, York, PA 17408-5955, West Manchester Township, **York County**. For the refractory manufacturing facility. Plan Approval No. 67-05001E authorizes the increased capacity in the facility's rotary kilns. The rotary kilns and cure oven will be fitted with additional natural gas burners to increase production by an estimated 118 tons product per hour. The rotary kilns will have additional NO_x and SO_x controls installed as part of this plan approval. The plan approval was extended. Application received: January 30, 2024. Issued: February 9, 2024.

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

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

PA-30-00072E: Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. For plan approval extension to authorize continued temporary operation of sources and controls associated with the Crabapple Overland Conveyor. Application received: January 31, 2024. Effective: February 28, 2024.

PA-30-00072L: Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. For plan approval extension to authorize continued temporary operation of RACT II affected sources and controls associated with the Bailey Prep Plant. Application received: January 31, 2024. Effective: February 28, 2024.

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.

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.

01-05041: McClarin Plastics, LLC, 15 Industrial Drive, Hanover, PA 17331, Conewago Township, **Adams County**. For the thermoformed plastic and fiberglass-reinforced plastic products manufacturing facility. The Title V permit was renewed. Application received: August 29, 2023. Issued: February 6, 2024.

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.

46-00039: Constellation Energy/Moser Generating Facility, 3901 N Delaware Ave, Philadelphia, PA 19137, Lower Pottsgrove Township, **Montgomery County**. This action is a renewal of a Title V Operating Permit for the operation of an electrical power peak generating station with three (3) simply cycle combustion turbines. Application received: May 1, 2023. Issued: February 7, 2024.

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.

60-00012: Ritz Craft Corporation of PA, Inc., 15 Industrial Park Drive, Mifflinburg, PA 17844, Mifflinburg Borough, **Union County**. The Department issued a renewal State Only Operating Permit for the modular and manufactured home manufacturing facility. The renewal State-Only (Synthetic Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: May 24, 2023. Renewal issued: February 7, 2024. New expiration date: February 6, 2029.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick, 570-826-2409.

66-00005: H & K Group, Inc./Hilltop Quarry, 2052 Lucon Road, Skippack, PA 19474-0196, Falls Township, **Wyoming County**. The Department issued a renewal State-Only (Natural Minor) Permit for the crushed and broken stone facility in Falls Township, Wyoming County. The sources consist of crushers, screens, and conveyors. The control device is a wet suppression system. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: October 16, 2023. Renewal issued: February 5, 2024.

40-00082: H & K Group, Inc. Asphalt Plt/Foster Twp, 2052 Lucon Road, Skippack, PA 19474-0196, Foster Township, **Luzerne County**. The Department issued a renewal State-Only (Synthetic Minor) Permit for the Asphalt Paving Mixtures and Blocks facility in Foster Township, Luzerne County. The sources consist of an Asphalt Plant and a RAP System. The control devices are baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP),

and volatile organic compounds (VOC) emissions. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: October 16, 2023. Renewal issued: February 6, 2024.

48-00118: Victaulic Company, P.O. Box 31, Easton, PA 18044-0031, Lower Nazareth Township, **Northampton County**. The Department has issued an initial State-Only (Natural Minor) Operating Permit for the Lower Nazareth Township facility. Sources at this facility include coat lines, coat dryer, and a fluidized bed cleaner. This permit also includes a cyclone as a control device. The Operating Permit contains all 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: November 22, 2023. Accepted: November 22, 2023. Issued: February 7, 2024.

40-00025: Energy Transfer Mkt & Term LP, 60 South Wyoming Ave, Edwardsville, PA 18704-3102, Edwardsville Borough, **Luzerne County**. The Department has issued a renewal State-Only (Synthetic Minor) Operating Permit for the Kingston terminal. Sources at this facility include a gasoline truck loading rack, distillate fuel truck loading rack, tanks (with internal floating and fixed roofs), pump, valve, and flange VOC losses, and an oil/water separator tank (with horizontal fixed roof). This permit also includes their vapor destruction and recovery units. The Operating Permit contains all 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: November 2, 2023. Accepted: November 2, 2023. Issued: February 7, 2024.

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**. The Department issued 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 were deactivated, and several ministerial updates to 40 CFR Part 63 Subpart ZZZZ were incorporated. Application received: November 22, 2022. Issued: December 14, 2023.

43-00289: Spang Power Electronics, 5421 Lake St, Sandy Lake, PA 16145, Sandy Lake Township, **Mercer County**. The Department issued the renewal of the State-Only Operating Permit to a facility that manufac

tures transformers, and industrial power systems and controls. Permitted sources at the facility include two dip tanks for surface coating, each with an oven for curing; chemical potting operations; an emergency generator; and space heaters. The larger dip tank and the associated oven are subject to a combined VOC restriction of 16 tons during any consecutive 12-month period. The two dip tanks are subject to 25 Pa. Code § 129.52 (Surface coating processes) and/or 25 Pa. Code § 129.52d (Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings). The facility is Natural Minor for permitting purposes. Application received: December 22, 2022. Issued: January 17, 2024.

10-00350: Cloverleaf Group, Inc./IDL Worldwide, 500 Grant Ave, P.O. Box 569, PA 16029, East Butler Borough, **Butler County**. The Department issued the renewal of the State Only Operating Permit for the screen-printing facility (printing presses, a spray booth, and other insignificant sources). The sources were covered by plan approvals 10-350A and 10-350B. The permittee has a VOC emission limit of 49.5 TPY a single HAP emission limit of 9.8 TPY, and total HAPs emission limit of 24.8 TPY (each based on a consecutive 12-month rolling period). Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements, and additional requirements as established in the plan approvals. In this renewal, the emergency engines, natural-gas combustion units, screen wash unit, and one (1) of the printing presses have been removed from service at the facility and the Operating Permit. Application received: December 21, 2022. Issued: January 30, 2024.

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

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

67-05140: Bulk Dried Materials, LLC, 900 North Hartley Street, York, PA 17404-2865, City of York, **York County**. For the thermal sand dryer facility. The State-Only permit was renewed. Application received: April 11, 2023. Issued: February 6, 2024.

29-03008: Bluegrass Materials Co., Inc., 10000 Beaver Dam Road, Cockeysville, MD 21030-2221, Bethel Township, **Fulton County**. For the stone crushing facility. The State-Only permit was renewed. Application received: June 30, 2023. Issued: February 7, 2024.

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

36-05120: Nessco Enterprise, LLC, 124 Earland Drive, New Holland, PA 17557-1503, East Earl Township, **Lancaster County**. For the kitchen cabinet manufacturing facility. The State-Only permit was renewed. Application received: July 26, 2023. Issued: February 6, 2024.

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.

17-00045: PA Dept of Corrections SCI Houtzdale, 209 Institutional Drive, Houtzdale, PA 16689, Woodward Township, **Clearfield County**. The Department issued a revised State Only Operating Permit for the State Correctional Institute Houtzdale facility. Revision No. 1 was issued for the incorporation of the terms and conditions of GP1-17-00045A and GP1-17-00045B into State Only Operating Permit, the removal of the coal-fired boilers Source IDs 033 and 034 along with all references for the firing of coal at the facility, and to identify a new Responsible Official. In addition, State Only Operating Permit 17-00045 now meets regulatory criteria to become a Natural Minor Operating Permit. The revised State-Only (Natural Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: December 26, 2023. Revised: February 7, 2024. Effective: February 7, 2024.

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.

06-05069: East Penn Manufacturing Co., Deka Road, P.O. Box 147, Lyon Station, PA 19536, Richmond Township, **Berks County**. For the lead-acid battery assembly facility. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05069AC. Application received: September 14, 2023. Issued: February 6, 2024.

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.

46-00262: Penn Color/Hatfield Plant, 2755 Bergey Rd, Hatfield, PA 19440-1758, Hatfield Borough, **Montgomery County**. This action is for the renewal of a non-Title V, Synthetic Minor Operating Permit. The facility operates a pigment dispersion and color concentrates manufacturing plant. Facility-wide VOC emissions are less than major facility thresholds after the use of an add-on control device. Application received: January 17, 2024. Issued: February 8, 2024.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

15-00017: Transcontinental Gas Pipeline Co, LLC, 60 Bacton Hill Rd, Frazer, PA 19355, East Whiteland Township, **Chester County**. This action is for the issuance of a significant modification to the Title V Operating Permit for the incorporation of RACT III terms and conditions for the compressors, four emergency engines, boiler, and other minor sources of nitrogen oxide (NO_x) emissions. In accordance with 25 Pa. Code §§ 129.111–129.115, the Pennsylvania Department of Environmental Protection (DEP) applied the presumptive RACT III requirements to all affected sources at the facility, except for Source ID No. 742, which is subject to review and approval of a RACT III Alternate Proposal. In accordance with 25 Pa. Code §§ 129.114 and 129.115(f), the RACT III Alternate Proposal requirements were incorporated for the control of emissions of Nitrogen Oxides (NO_x) for Source ID No. 742. Application received: December 21, 2022. Issued: February 6, 2024.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill, Center and Gray Townships, **Greene County**. To revise the permit and related NPDES permit to change 4,199.2 acres from development to longwall mining and delete 675.8 acres from the underground and subsidence control boundary, affecting -675.8 underground acres and -675.8 subsidence control plan acres. Application received: August 4, 2022. Accepted: October 3, 2022. Issued: February 5, 2024.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Greene County**. To revise the permit and related NPDES permit for construction of a bleeder facility and six (6) boreholes. One NPDES discharge point will be added. Affecting 41.0 surface acres. Receiving stream: Claylick Run, classified for the following use: HQ—WWF. Application received: January 6, 2023. Accepted: February 23, 2023. Issued: February 5, 2024.

Mining Permit No. 30121301. NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center and Richhill Townships, **Greene County**. To revise the permit and related NPDES permit for installation of an airshaft and two (2) new NPDES discharge points, affecting 44.3 surface acres. Receiving stream(s): Unnamed Tributaries to Grays Fork, classified for the following use: HQ—WWF. Application received: July 6, 2022. Accepted: September 7, 2022. Issued: February 5, 2024.

Mining Permit No. 30121301. NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. To revise the permit and related NPDES permit for development mining, affecting 3,744.0 underground acres and 3,744.0 subsidence control plan acres. Application received: December 10, 2021. Accepted: February 2, 2022. Issued: February 5, 2024.

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill, Morris and Washington Townships, **Greene County**. To revise the permit and related NPDES permit for installation of degas boreholes, affecting 14.9 surface acres. Application received: June 15, 2023. Accepted: July 27, 2023. Issued: November 30, 2023.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17793123. NPDES No. PA0089603. Strishock, LLC, P.O. Box 1006, Dubois, PA 15801, Union Township, **Clearfield County**. Permit renewal for a bituminous surface coal mine and associated NPDES permit affecting 3.1 acres. Remaining mining activities consist only of operation and maintenance of a post-mining mine drainage water treatment system. Receiving stream(s): Sugar Camp Run and Laborde Branch classified for the following use(s): CWF. Application received: August 21, 2023. Accepted: August 22, 2023. Issued: February 7, 2024.

Noncoal Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 22880301. NPDES Permit No. PA0223948. Rocky Licensing Corp., 201 Iron Valley Drive, Lebanon, PA 17042, Lower Swatara Township, **Dauphin County**. Renew NPDES Permit on a quarry operation. Receiving stream: Swatara Creek. Application received: April 3, 2023. Renewal issued: February 9, 2024.

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. 35244102. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Archbald Borough, **Lackawanna County**. Construction blasting for Ken Powell Commercial Development. Application received: February 7, 2024. Permit issued: February 9, 2024. Expiration date: February 7, 2025.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOPRG@pa.gov.

E4129-133. Pennsylvania General Energy Co, LLC, 120 Market Street, Warren, PA 16365, Gamble Township and Plunketts Creek Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 25, 2023. Issued: February 9, 2024.

Original Application E4129-133 (APS # 1009923; AUTH # 1302865) was an Individual—Joint Permit to construct, operate and maintain a permanent surface freshwater withdrawal (SFW) and utility trench/corridor under Loyalsock Creek along State Route 87 in Gamble and Plunketts Creek Township, Lycoming County. Applicant and contractor began construction on August 4, 2022.

Application E4129-133 (APS # 1009923; AUTH # 1448450) is a Major Amendment to the previously referenced Individual—Joint Permit Application to reflect as-built conditions of the Loyalsock/Shawnee Freshwater System project.

The following changes were made to the original permitted design:

1. The pump station vault was changed from circular to square due to constructability and the availability of square precast structures.
2. The pump station and valve vault were pushed back approximately 10-ft for constructability.
3. The intake vault and screens were increased to reduce short term maintenance and reduce the likelihood of fouling/clogging of the intake screen due to the buried installation. The screen diameter was increased to allow for a greater factor of safety with respect to clogging and reduce in-stream maintenance. The installed screen meets PAFBC and SRBC standards for 0.10" opening and provides for significantly reduced intake velocity resulting in reduced entrapment of species and fines.
4. Overall intake location did not change from the proposed location.
5. Only three (3) of the five (5) proposed utility pipelines were installed within the utility corridor across the Loyalsock Creek:
 - a. Single 16-inch diameter steel natural gas pipeline
 - b. Single 10-inch diameter HDPE waterline
 - c. Single 4-inch diameter HDPE communications conduit
6. The overall total permanent stream impacts have decreased from 1,274.1 SF to 957 SF.

The project will result in a total of 380 LF (957 SF) of permanent and 268 LF (20,158 SF) of temporary stream impacts and 397 SF (0.0091 acre) of permanent and 8,729 SF (0.2004 acre) of temporary floodway impacts all for the purpose of constructing a freshwater withdrawal system and utility corridor under Loyalsock Creek to expand freshwater pipeline systems for Marcellus well development. No wetland impacts are proposed.

STREAM IMPACT TABLE:

Resource Name	Municipality Quadrangle	Activity	Chap. 93	Listed Trout	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
Loyalsock Creek	Plunketts Creek Montoursville N.	Withdrawal System	TSF; EV	Stocked			325	127	41.355167 76.888760
Loyalsock Creek	Gamble Montoursville N.	Utility Trench/Corridor	TSF; EV	Stocked	19,496	240	600	240	41.355312 76.888918
Loyalsock Creek	Gamble Montoursville N.	Utility Trench/Corridor	TSF; EV	Stocked	593	13	32	13	41.355621 76.889681
Loyalsock Creek	Gamble Montoursville N.	Temporary Bridge	TSF; EV	Stocked	163	15			41.355920 76.889301
TOTAL IMPACTS					20,252	268	957	380	

FLOODWAY IMPACT TABLE:

Resource Name	Municipality Quadrangle	Activity	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
Loyalsock Creek	Plunketts Creek Montoursville N.	Withdrawal System			286	45	41.355167 76.888760
Loyalsock Creek	Gamble Montoursville N.	Utility Trench/Corridor	8,744	219	111	45	41.355312 76.888918
TOTAL IMPACTS			8,744	219	397	90	

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.

E6402223-001. New York State Department of Transportation, Region 9, 44 Hawley Street, Binghamton, PA 13901, Damascus Township, **Wayne County**. U.S. Army Corps of Engineers Philadelphia District.

To rehabilitate the existing 16-foot by 954-foot long 7 span multi girder concrete deck bridge structure (Bridge # 7) over the Delaware River connecting Bridge Street (SR 1020) in Damascus Township in Pennsylvania to Town of Delaware in New York. Project consists of replacement of bridge deck, repair of deteriorated substructure concrete at abutments and replacement of deteriorated concrete in piers along with rock rip rap placement for scour protection. A temporary causeway will be installed in the Delaware River during construction. Project impacts in PA total 225 lf of structure repair along with 0.21 acre of temporary causeway. Project is located along SR 1020 Seg 0010 Off 0000 at intersection with SR 1016 in Damascus Twp, Wayne County. (Damascus, PA-NY Quadrangle, Latitude: 41.764610, Longitude: -75.061559). Application received: April 24, 2023. Issued: February 6, 2024.

E3902223-004. Upper Saucon Township, 5500 Camp Meeting Road, Center Valley, PA 18034-8401, Upper Saucon Township, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain approximately 2,643 linear feet of 8-inch diameter water main within the Saucon

Creek Watershed (HQ—CWF, MF) to provide better service and operating pressure. Project includes the following activities: 1. Install an 8-inch diameter water main in EV wetlands, with an impact of approximately 173 square feet. Pipe will be installed via open cut. 2. Install an 8-inch diameter water main with length of 48.64-feet approximately 4.0-foot below Stream 1 (Laurel Run). Pipe will be bored beneath existing stream crossing. The project also includes the installation of a temporary crossing of Wetland 1 for use during construction consisting of 7,352 square feet of temporary timber matting. Total project impacts equal 33 square feet of stream crossings. The project is located along SR 2047, Landis Mill Road and adjacent area in Upper Saucon Township, Lehigh County, PA. Latitude: 40° 32' 46", Longitude: -75° 23' 15". Application received: September 7, 2023. Issued: February 7, 2024.

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

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

E4601223-033. Upper Moreland Township, 117 Park Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

Upper Moreland Township is proposing to demolish and perform floodplain restoration activities at four (4) individual properties located along Surrey and Lori Lanes which were damaged by Hurricane Ida. These activities include demolition, removal of structures, excavation, removal of debris, site restoration and stabilization of all disturbed areas: 1) 304 Surrey Lane includes 0.28 acre of

disturbance (USGS PA Hatboro Quadrangle—Latitude 40.166060 N, Longitude 75.103448 W). 2) 101 Lori Lane includes 0.23 acre of disturbance (USGS PA Hatboro Quadrangle—Latitude 40.167201 N, Longitude 75.103069 W). 3) 102 Lori Lane includes 0.23 acre of disturbance (USGS PA Hatboro Quadrangle—Latitude 40.161041 N, Longitude 75.102807 W). 4) 103 Lori Lane includes 0.20 acre of disturbance (USGS PA Hatboro Quadrangle—Latitude 40.166875 N, Longitude 75.102537 W). Application received: November 27, 2023. Permit issued: February 8, 2024.

EA1501223-002, WV1501223-007. Brandywine Red Clay Alliance, 1760 Unionville-Wawaset Road, West Chester, PA 19382, East Marlborough Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

Brandywine Red Clay Alliance is proposing to perform a stream restoration within the East Branch of Red Clay Creek (TSF-MF) associated with the East Doe Run Road Stream Restoration Project. This activity will result in 115 linear feet (225.9 square feet, 0.005 acre) of permanent watercourse impact due to the placement of toe boulders, root wads, bank stabilization, and bank grading. Temporary impacts associated with this project include 751.5 linear feet (6,067.6 square feet, 0.139 acre) of temporary watercourse impact due to dewatering work areas and the construction of multiple temporary ford crossings for construction access, 54,573.6 square feet (1.253 acre) of temporary floodway impact, and also includes a total of 3,110 square feet (0.071 acre) of temporary wetland impact. This project also includes a permanent equine ford stream crossing to be waived under 25 Pa. Code § 105.12(a)(9) and is located near East Doe Run Road in East Marlborough Township, Chester County (USGS PA Unionville Quadrangle). Latitude: 39.878437°, Longitude: -75.698252°. Application received: September 18, 2023. Permit issued: February 8, 2024.

E4601223-032. Horsham Township Water & Sewer Authority, 617 Horsham Road, Horsham, PA 19044, Horsham Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain an elevated concrete platform and standby diesel generator at an existing facility above the floodway of Park Creek (WWF-MF). The purpose of this project is to supply continuous power to their PFA well treatment system. This activity will result in 1,650 square feet (0.038 acre) of permanent floodway impact. This project is located near Limekiln Pike south of McKean Road in Horsham Township, Montgomery County (USGS PA Ambler Quadrangle). Latitude: 40.201382°, Longitude: -75.186175°. Application received: November 15, 2023. Permit issued: February 9, 2024.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained

from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 ESG290823016-00

Applicant Name **Chesapeake Appalachia, LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Litchfield Township

County **Bradford County**

Receiving Stream(s) and Classification(s) UNT to Parks Creek (WWF, MF), Parks Creek (WWF, MF)

Application received: October 20, 2023

Issued: February 6, 2024

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

Contact: Brian Bailey, P.E., Program Manager, 570-974-2604.

ESCP # ESP070222002-00 Champion Compressor Station

Applicant Name **Hyperion Midstream, LLC**

Contact Person Brian Dillemath

Address 501 Technology Drive, Suite 1200

City, State, Zip Canonsburg, PA 15317

Township(s) Elizabeth Township

County Allegheny County

Receiving Stream(s) and Classification(s) The project will discharge stormwater to Gillespie Run (WWF). The Champion Compressor Station project consists of an approximately 500-foot long by 120-foot wide compressor station pad and associated access road. The project will include the implementation of proposed erosion and sedimentation controls and post-construction stormwater management facilities. Total Disturbed Area is 4.5 acres. (Donora Quadrangle; Lat. 40° 14' 27", Long. -79° 48' 56").

Application received: May 24, 2022

Issued: February 8, 2024

Contact: William Stevens, Clerical Supervisor 2, 412-442-4134.

CORRECTION—previously published on February 10, 2024.

Please note that this ESCGP approval was errantly published as an Application and is therefore being republished as an Action.

ESCGP # 3 ESG070423001-00 B50 Truck Terminal and Temporary WaterlineApplicant Name **PennEnergy Resources, LLC**

Contact Person Cody Salmon

Address 3000 Westinghouse Dr., Suite 300

City, State, Zip Cranberry Township, PA 16066-5239

Township(s) Economy Borough

County **Beaver County**

Receiving Stream(s) and Classification(s) Big Sewickley Creek (TSF), Big Sewickley Creek (TSF), Tributary 36618 to Big Sewickley Creek (TSF), Unnamed tributary to Big Sewickley Creek (TSF).

Application received: February 22, 2023

Issued: January 29, 2024

*CORRECTION—previously published on February 10, 2024.**Please note that this ESCGP approval was errantly published as an Application and is therefore being republished as an Action.***ESCGP # 3 ESG070422005-00 B50 Temporary Above-Ground Waterline**Applicant Name **PennEnergy Resources LLC**

Contact Person Richard Watson

Address 1000 Commerce Drive, Park Place One

Suite 400

City, State, Zip Pittsburgh, PA 15275

Township(s) Economy Borough

County **Beaver County**

Receiving Stream(s) and Classification(s) Big Sewickley Creek (TSF), Coony Hollow (TSF), North Fork Big Sewickley Creek (TSF), UNT to Big Sewickley Creek (TSF), UNTs to Coony Hollow (TSF), UNTs to North Fork Big Sewickley Creek (TSF).

Application received: December 7, 2022

Issued: January 29, 2024

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.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Dandy Mini Mart 25, Storage Tank Facility ID # **59-11527**, 71 Main Street, Lawrenceville, PA 16969, Lawrenceville Borough, **Tioga County**. Juniata Geosciences, LLC, 6872 Willow Brook Road, Alexandria, PA 16611, on behalf of Dandy Mini Mart 25, 71 Main Street, Lawrenceville, PA 16969, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

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

Contact: Eric Supey, Environmental Program Manager.

J.A. & W.A. Hess Ready Mix, Storage Tank Facility ID # **40-51043**, 10 Hess Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of J.A. & W.A. Hess, Inc., 10 Hess Road, Hazleton, PA 18202, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with diesel. The report is intended to document the remedial actions for meeting site-specific standards.

Scott Fuel Stop, Storage Tank Facility ID # **35-51001**, 98 Hill Road, Dalton, PA 18414, Scott Township, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Scott Fuel Stop, Inc., 98 Hill Road, Dalton, PA 18414, 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.

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.

Hazleton Oil and Environmental, Storage Tank Facility ID # **13-50398**, 300 Tamaqua Street, Hazleton, PA 18201, Banks Township, **Carbon County**. Patriot Environmental Management, 2404 Brown Street, Pottstown, PA 19464, on behalf of Hazleton Oil and Environmental, Inc., 300 Tamaqua Street, Hazleton, PA 18201, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with used motor oil. The report demonstrated attainment of the site-specific standards and was approved by DEP on February 6, 2024.

Schuylkill Transportation System, Storage Tank Facility ID # **54-51479**, 252 Industrial Park Road, Saint Clair, PA 17970, East Norwegian Township, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Schuylkill Transportation System, P.O. Box 67, Saint Clair, PA 17970, 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 February 8, 2024.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Requests Proposals for Municipal Solid Waste Disposal and/or Processing Capacity—Venango County Board of Commissioners—Franklin, PA.

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Teesha Truesdale, 717-787-7382.

In accordance with Pennsylvania Code Title 25. Environmental Protection. Chapter 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Venango County Board of Com-

missioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Venango County Regional Planning Commission, on behalf of the Venango County Board of Commissioners is hereby soliciting proposals for disposal capacity for MSW generated in Venango County, PA with contract approval and execution anticipated by May 2024.

The Request for Proposals (RFP) will be available from the Venango County Regional Planning Commission, on or after February 12, 2024. There is a \$50 fee for printed copies. All proposals must be made on and inclusive of the required Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the RFPs. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Venango County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

The Venango County Regional Planning Commission will receive sealed proposals until 3:00 p.m., prevailing time on Tuesday, March 26, 2024. The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and two (2) "copies" formatted as MS Word or pdf files each on separate electronic media, CD-ROMs or Flash Drives. The proposals must be packaged, sealed, and clearly labeled to show the statement "Proposal Disposal Capacity" and the name and address of the Proposer.

Proposals should be submitted and be addressed to: the Venango County Regional Planning Commission, 1168 Liberty Street, P.O. Box 831, Franklin, PA 16323.

Attention: Mr. Erik Johnson, Recycling Coordinator, Planner II.

[Pa.B. Doc. No. 24-234. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of the Non-Regulatory Agenda

In accordance with the Department of Environmental Protection's (Department) Policy for Development and Publication of Technical Guidance, the Department provides notice of the availability of the Non-Regulatory Agenda (Agenda). The Department will publish notice of availability of the Agenda twice a year in February and July.

The Agenda serves as a guide and resource to the regulated community, the public, Department staff and members of the Department's advisory committees regarding the focus of the Department's policy development for the coming year. The types of documents listed in the Agenda include policies and technical guidance documents that provide directives, guidance or other relevant compliance-related information.

The Agenda is available on the Department's web site at www.dep.pa.gov (select "Public Participation" tab, then "Regulatory and Non-Regulatory Agendas").

Questions regarding the Department's Agenda should be directed to Lena Smith, Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063, by telephone at (717) 787-4941, or by e-mail to ra-epthepolicyoffice@pa.gov.

Questions regarding the specific documents listed on the Agenda should be directed to the respective contact person listed on the Agenda.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 24-235. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Final TGD: New Guidance

DEP ID: 310-2100-003. **Title:** Trenchless Technology Guidance. **Description:** This guidance outlines the steps and options to consider, and implement as appropriate, when proposing to use a trenchless technology installation method on any portion of a project; has been prepared to provide information to project proponents that may help to prevent environmental issues, improve project planning, permitting and compliance with applicable regulatory requirements; establishes a common, complete and consistent level of understanding of the information the Department may request to adequately review permit applications proposing trenchless technology; was drafted in concurrence with the existing regulations. Trenchless technology use is not specifically referenced in any Department regulation; however, the environmental issues that can result from unplanned failures of this construction method can have regulatory implications. This guidance provides specific recommendations to meet relevant Department regulations for this

construction methodology and to anticipate, monitor for and respond to failures in a manner that avoids, minimizes and mitigates environmental issues that may arise during construction.

This final TGD was revised as a result of comments received on the draft TGD published at 52 Pa.B. 1693 (March 19, 2022), then entitled Trenchless Technology Guidance. Based on 143 comments received from 150 commentators during the 60-day public comment period on the draft TGD, the Department made several editorial and substantive changes to the final TGD. These changes included many clarifying edits including when it is appropriate to use a Pennsylvania-licensed professional engineer or professional geologist, or both; addition of montmorillonite to the recommended analyte list; removal of the horizontal directional drilling flow chart to clear up ambiguity and for consistency with the rest of the document; addition of new risk factors to more accurately assess risk; and updates to definitions. The comment and response document accompanying this final TGD responds to all comments received on the draft TGD.

Contact: Questions regarding this TGD can be directed to Andy Klinger, Bureau Director, Bureau of Waterways Engineering and Wetlands, at (717) 772-5975 or anklinger@pa.gov.

Effective Date: February 24, 2024

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 24-236. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 10(6493)102.1, Abandoned Mine Reclamation Project, West Liberty East # 3, Brady Township and West Liberty Borough, Butler County. The principal items of work and approximate quantities include: implementation of the erosion and sediment pollution control plan—compost filter sock 32" diameter, 1,530 linear feet; grading, 66,293 cubic yards; subsurface drain, 386 linear feet; sealing mine openings, 1 each; and planting—tree seedlings, 2,710 seedlings, 3.97 acres, 2,710 each.

This bid issues on March 1, 2024, and bids will be opened on April 4, 2024, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 24-237. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Intent to Submit Pennsylvania State Implementation Plan Revisions to Environmental Protection Agency

The Department of Environmental Protection (Department) has made a preliminary determination that the owners and operators of the permitted facilities listed in the following table will demonstrate compliance with the Federal Clean Air Act Reasonably Available Control Technology (RACT) requirements for the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) (RACT III) by complying with their existing RACT II permit conditions as currently written into the Commonwealth's State Implementation Plan (SIP). The provisions in 25 Pa. Code § 129.114(i)(1) and (2) (relating to alternative RACT proposal and petition for alternative compliance schedule) allow for the owners and operators of facilities which have not been modified or changed and which have previously complied with RACT II through the provisions of 25 Pa. Code § 129.99 (relating to alternative RACT proposal and petition for alternative compliance schedule) to use the same case-by-case conditions previously adopted as RACT II to comply with RACT III.

County	Permit Number	Facility Name	Pollutant	Facility Compliance Method		
				§ 129.114(i)(1)(i)	§ 129.114(i)(1)(ii)	§ 129.114(i)(2)
Philadelphia	OP16-000032	ADVANSIX	NO _x and VOC	X		
Lancaster	36-05019	ASC ENGINEERED SOLUTIONS COLUMBIA FORMERLY KNOWN AS ANVIL	VOC	X		
Allegheny	0059	ATI FLAT ROLLED PRODUCTS	VOC	X		
Westmoreland	65-00137	ATI FLAT ROLLED PRODUCTS HOLDINGS, LLC VANDERGRIFT	NO _x	X		
Carbon	13-00001	BEFESA ZINC US, INC. PALMERTON	VOC	X		
Allegheny	0047	BELLFIELD BOILER	NO _x	X		
Montgomery	46-00198	BLOMMER CHOCOLATE, CO. GREENVILLE, PLT	VOC	X		
Delaware	23-00009	BOEING, CO. PHILA RIDLEY PARK PA FACILITY	VOC	X		
Berks	06-05063	BOYERTOWN FOUNDRY, CO. FORMERLY KNOWN AS EAFC	O VOC	X		
Lancaster	36-05053	BUCK CO., INC. QUARRYVILLE	VOC	X		
Beaver	04-00033	BVPV STYRENICS, LLC BEAVER VALLEY PLANT	VOC	X		
Lehigh	39-00040	CARPENTER CO. UPPER MACUNGIE	VOC	X		
Berks	06-05007	CARPENTER TECH. CO. READING PLANT	NO _x and VOC	X		
Lycoming	41-00013	CHANCE ALUM. CO. WILLIAMSPORT PLANT	VOC	X		
Northumberland	49-00007	CHEROKEE PHARMACEUTICALS, LLC RIVERSIDE BOROUGH PLANT	VOC	X		
Philadelphia	OP17-000008	CONSTELLATION RICHMOND	NO _x	X		
Lancaster	36-05117	DART CONTAINER CO. LAMPETER	VOC	X		
Lancaster	36-05015	DART CONTAINER CO. LEOLA PLANT	VOC	X	X	
Allegheny	0022	ENERGY CENTER NORTH SHORE	NO _x	X		

County	Permit Number	Facility Name	Pollutant	Facility Compliance Method		
				§ 129.114(i)(1)(i)	§ 129.114(i)(1)(ii)	§ 129.114(i)(2)
Delaware	23-00119	ENERGY TRANSFER MARKET TERMINAL, LP MARCUS HOOK TERMINAL	NO _x and VOC	X	X	
Bucks	09-00018	EXELON GENERATION, CO. CROYDON STATION	NO _x	X		
Clinton	18-00030	FIRST QUALITY TISSUE LOCK HAVEN PLANT	VOC	X		
Columbia	19-00002	FOAM FABRICATORS, INC. BLOOMSBURG PLANT	VOC	X		
Montgomery	46-00037	GLOBAL ADVANCED METALS USA BOYERTOWN	VOC	X		
Elk	24-00012	GRAFTECH USA, LLC SAINT MARYS	VOC	X		X
McKean	42-00011	INTERNATIONAL WAXES, INC. FARMERS VALLEY	VOC	X	X	
Beaver	04-00059	IPSCO KOPPEL TUBULARS, LLC KOPPEL PLANT	NO _x and VOC	X		
Bradford	08-00003	JELD WEN, INC. FIBER DIVISION PA	VOC	X		
Northumberland	49-00014	JERACO ENTERPRISES	VOC	X		
Philadelphia	V95-044	KINDER MORGAN LIQUID TERMINALS, LLC	VOC	X		
Lehigh	39-00004	MACK TRUCKS, INC. MACUNGIE	VOC	X		
Lancaster	36-05142	MARS WRIGLEY CONFECTIONERY US, LLC ELIZABETHTOWN	VOC	X	X	
Montgomery	46-00005	MERCK SHARP AND DOHME, LLC	NO _x and VOC	X		
Erie	25-00035	MOLDED FIBER GLASS CO. UNION CITY	VOC	X		
Delaware	23-00003	MONROE ENERGY, LLC TRAINER	VOC	X		
Philadelphia	V13-009	NAVAL SURFACE WARFARE CENTER PHILADELPHIA DIVISION	NO _x	X		
Allegheny	0060	NEVILLE CHEMICAL	VOC	X		
Philadelphia	V15-003	NEWMAN AND COMPANY	NO _x	X		
Huntingdon	31-05005	NOV FIBER GLASS SYSTEMS CONTAINMENT SOLUTIONS MOUNT UNION PLANT	VOC	X		
Dauphin	22-05005	NRG ENERGY CENTER PAXTON, LLC HARRISBURG	NO _x	X		
Westmoreland	65-00207	OMNOVA SOLUTIONS JEANNETTE PLANT	VOC	X		

County	Permit Number	Facility Name	Pollutant	Facility Compliance Method		
				§ 129.114(i)(1)(i)	§ 129.114(i)(1)(ii)	§ 129.114(i)(2)
Philadelphia	OP21-000064	PES TANK FARM	VOC	X		
Philadelphia	OP16-000026	PHILLY SHIPYARD	NO _x and VOC	X		
Allegheny	0044	PITTSBURGH ALLEGHENY COUNTY TERMINAL	NO _x	X		
York	67-05004	PIXELLE SPECIALTY SOLUTIONS, LLC/SPRING GROVE	NO _x and VOC	X		
Allegheny	0057	PPG SPRINGDALE	VOC	X		X
Schuylkill	54-00041	SILBERLINE MFG. CO. LINCOLN DRIVE PLANT	VOC	X		
Montgomery	46-00020	SUPERIOR TUBE CO. LOWER PROVIDENCE	VOC	X		
Allegheny	0058	SYNTHOMER	VOC	X		
Lycoming	41-00001	TRANSCONTINENTAL GAS SALLADASBURG STATION 520	NO _x	X		
Franklin	28-05002	UNITED STATES DEPARTMENT OF DEFENSE LETTERKENNY ARMY DEPOT	VOC	X		
Allegheny	0052	UNITED STATES STEEL MON VALLEY WORKS CLAIRTON PLANT	NO _x and VOC	X		
Allegheny	0051	UNITED STATES STEEL MON VALLEY WORKS EDGAR THOMPSON PLANT	NO _x and VOC	X		
Allegheny	0050	UNITED STATES STEEL MON VALLEY WORKS IRVING PLANT	NO _x and VOC	X		
Lehigh	39-00069	VICTAULIC CO. ALBURTIS FACILITY	VOC	X		X
Northampton	48-00009	VICTAULIC CO. FORKS FACILITY	VOC	X		X
Mercer	43-00196	WABTEC UNITED STATES RAIL GROVE CITY	NO _x	X		
Tioga	59-00004	WARD MANUFACTURING, LLC BLOSSBURG PLANTS 1 TO 3	VOC	X		

The Department has made a preliminary determination that these case-by-case RACT II requirements for the 1997 and 2008 ozone NAAQS remain RACT for the 2015 ozone NAAQS. These provisions and requirements are intended to address the Commonwealth's RACT obligations under sections 182 and 184 of the Clean Air Act (42 U.S.C.A. §§ 7511a and 7511c) for the 2015 ozone NAAQS. If finally approved, the Department intends to submit all relevant documentation, including facility notifications submitted under 25 Pa. Code § 129.115(a) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements) the Department's determination that RACT II requirements con-

tinue to demonstrate compliance with RACT III requirements, respective review memos and other relevant documentation to the United States Environmental Protection Agency (EPA) with a request for the EPA to approve the Department's declaration that no changes to the Commonwealth's SIP are required for RACT III at these facilities. The SIP revision will reflect the Department's declaration that RACT II remains RACT for RACT III at the listed facilities. These documents are available for review in the directory at <https://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Permits/RACT/RACT%20II%20is%20RACT%20III/>.

The first file in this directory, named facility list, is an Excel file which makes it easy to search for facilities located in a specific county, by the Department's regional office or by permit number.

Public Comment Details:

A public comment period is provided for persons wishing to file a written protest, objection, comments or additional information which they believe should be considered prior to the submission of the proposed revision of the SIP to the EPA. The written comments, information, protests or objections may be submitted to Virendra Trivedi, Program Manager, Air Quality Program, 400 Market Street, Harrisburg, PA 17101, or at RA-EPAIRCOMMENTS@pa.gov on or before the closing date of this public comment period. The public comment period closes on April 26, 2024.

Written submissions must contain the name, address and telephone number of the person submitting the comments; identification of the RACT II is RACT III proposal, including the permit number; and a concise statement regarding the issue with the RACT III proposal on which the person is commenting and the relevancy of the information or objections to the fact that the owner or operator of the facility is complying with RACT III by their case-by-case RACT II conditions which are already in the Commonwealth's SIP.

Public hearing. A public hearing will be held on April 12, 2024, at 10 a.m. at the Department of Environmental Protection Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the RACT II is RACT III proposal and the proposed SIP revision. To register to speak at the hearing, send an e-mail to RA-EPAIRCOMMENTS@pa.gov. Speakers must preregister to testify at the hearing. The last day to preregister to speak at the hearing is April 5, 2024.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested to be provided to the hearing chairperson. Organizations are requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days to Virendra Trivedi, Program Manager, Air Quality Program, 400 Market Street, Harrisburg, PA 17101, or at RA-EPAIRCOMMENTS@pa.gov.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 24-238. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Storage Tank Advisory Committee Meeting Cancellation

The March 6, 2024, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next meeting is scheduled for Wednesday, June 5, 2024, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments dur-

ing the meeting are encouraged to sign up in advance by contacting Randy D. Martin at ramartin@pa.gov or (717) 772-5828.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields," then "Storage Tank Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the June 5, 2024, meeting can be directed to Randy D. Martin at ramartin@pa.gov or (717) 772-5828.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5828 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 Secretary

[Pa.B. Doc. No. 24-239. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee (Committee) meeting that was scheduled for March 21, 2024, is canceled. Information on past and upcoming Department of Environmental Protection (Department) advisory body meetings can be found on the Department's web site under Public Participation.

Information about Committee meetings, including agendas, meeting materials and in-person and remote participation options, will be available on the Committee's webpage, found through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water," then "Water Resources Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the Committee can be directed to Bob Haines at robhaines@pa.gov or (717) 787-7565.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 24-240. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Exempt Machinery and Equipment Steel Products

The following is a list of exempt machinery and equipment steel products authorized under section 4(b) of the Steel Products Procurement Act (73 P.S. § 1884(b)). There is a 30-day comment period beginning on the date of this publication during which the public may submit comments in writing, as to the domestic availability of a steel product on the list, to the Deputy Secretary for Public Works, Department of General Services, 1800 Herr Street, Harrisburg, PA 17125, ra-steel@pa.gov. The comments must be supported with a mill certification indicating that the steel was melted in the United States of America or an executed Steel Origin Certification form (found on the Department of General Services web site at www.dgs.pa.gov) indicating the disputed product is produced domestically. See 4 Pa. Code Chapter 67a (relating to steel products procurement—statement of policy). “(New)” after a listing indicates a steel product that was not produced in the United States in sufficient quantities to meet the requirements of the contract during 2023.

Exempt Machinery and Equipment Steel Products

Air Conditioning Units
 Air Duct Housing with Sample Tubes
 Air Handling Units
 Anchor Bolt
 Audio RA Station
 Annunciator Panel
 AV Rack Kit
 Back Box
 Backflow Preventer
 Battery Cabinet
 Blank Filler Plate for Fiber
 Blank Metal Door
 Blank Plate for Outer Door
 Bottom Dead Front Panel
 Bridge for Cameras
 Butterfly Valves
 Cabinet
 Cardcage
 Cast Steel Gate Valve
 CCTV Power Supply
 Ceiling Exhaust Fan (New)
 Ceiling Flange
 Central Control Unit
 Centrifugal Pumps
 Channel Video
 Circulating Pump
 Closers
 Color Monitor
 Combination Round Head Steel Zinc-Plated Toggle Bolts
 Condensing Boilers
 Conduit Fittings
 Control Module Plate
 Control Panel
 Control Valve
 Data Converter Unit
 Deck Inserts
 Deck and Rub Rail Fasteners
 Dielectric Nipples
 Digital Communicators
 Digital Record
 Door Protection
 Door Trim/Handles
 Drinking Fountain
 Drip Pan ELL
 Drop-In Anchors
 Dry Tape Transformer
 Drywall Screws
 Dual Interface Module
 Duct Detector with Relay
 Duct Housing
 Ductless Split System
 DVR Rack
 Electric Traction Elevators
 Electric Water Cooler
 Elevator Controller
 Elevator Hoistway
 Encl. for Annunciator
 Exit Devices
 Exp Cage
 Fence System Nuts and Bolts
 Fire Alarm NAC Extender
 Fire Alarm Peripherals
 Fixed Door Station
 Flexible Drops
 Full Blank Plate
 Galvanized Carriage Bolts
 Garage Door Tracking
 Gas Furnace
 Gas Piping Butt Weld Tees
 Gauges
 Generator
 Globe Valve (Steam)
 Hand Dryer
 Hanger Mounting Plates
 Hangermates
 Hangers Supports
 Horn/Strobe
 Inclined Platform Wheelchair Lifts
 Inner and Outer Door
 Inner Door Blank Plate
 Interface Module
 Lag Bolts
 Large Remote Cab
 Lighting Fixtures, Interior/Recessed
 Lighting Fixtures, Surface Wrap
 Lighting Fixtures, Track Head
 Lock Cylinders
 Locknuts
 Locksets
 Low Temp. Detection Thermostats
 Lubrication Unit
 Machine Screws
 Main Control Board
 Mega Press Fittings, Mega Press XL and G Fittings

Metal Lockers
 Manual Pull Station
 Med. Enclosure
 Middle Dead Front
 Mini-Interface Module
 Monitor Mount
 Monitor Wall Brk
 Mounting Plate
 Network Fiber Switch
 Overhead Door
 Overhead Stops
 Patient Wandering Alarm
 Pellet Storage Bin (New)
 Pipe Clamps
 Pivots
 Power Supply
 Pull Station Box
 RA Annunciator Pnl
 Rack Mount Card Cage
 Rack Mount Kit
 Radiant Panels
 Reader Interface
 Relay Module
 Remote Chiller
 Round Head Machine Screw
 Safety Relief Valve
 Sampling Tube
 Screw Air Compressor
 Security Panel
 Security Unit
 Security/CCTV Camera Housing
 Self-Turn/Self Tapping Screw
 Shower/Eye Washers
 Signal Extender Module
 Single Blank
 Smoke Detector Wire
 Speaker
 Speaker/Strobe
 Split HVAC System
 Split Ring Hangers
 Split Rings
 Split System Air Conditioning
 SSD-C Remote Display with Control
 SSD-C-REM Rem Display
 Stainless Flat Bars
 Stainless Steel Cable
 Strobe
 Submersible Pump
 Sump Pump
 Surface Mount Speaker
 Surface Station Box
 Surge Arrester
 Surge Protector
 T8 Light Troffer
 Tamper Proof Screws and Nuts
 Thermometers
 Threaded Rod Hanger
 Tie Wire 21 Gauge

Tie Wire Anchor
 Toggle Wing
 Transformer
 Turbine Pumps
 Uninterruptible Power Supply
 VRV Fan Coils/Cond. Units
 Wall Mounted Boiler
 Wall Mounted Fountain
 Water Coolers
 Water Fountain Mounting Frame
 Water Heater
 Wing Toggle

GREG KIRK,
Deputy Secretary

[Pa.B. Doc. No. 24-241. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Nursing Home Patient Safety Trust Fund Surcharge for Fiscal Year 2023-2024 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act

Sections 401—411 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P.S. §§ 1303.401—1303.411) require nursing homes to electronically report health care-associated infection (HAI) data to the Department of Health (Department) and the Patient Safety Authority (Authority). Mandatory reporting of nursing home HAIs was implemented in June 2009.

Section 409 of the MCARE Act (40 P.S. § 1303.409) states that every fiscal year, beginning July 1, 2008, each nursing home shall pay the Department a surcharge on its licensing fee to provide sufficient revenues for the Authority to perform its responsibilities related to the MCARE Act. The base amount of \$1 million for Fiscal Year (FY) 2008-2009 has the potential to be increased no more than the Consumer Price Index in each succeeding fiscal year.

The Authority has recommended that the FY 2023-2024 surcharge assessment total \$1.185 million.

To assess the surcharge in an equitable manner, the number of licensed nursing home beds as of December 31, 2023, was totaled and that amount was divided into \$1.185 million. The total number of licensed beds is 84,246. This equates to a surcharge of \$14.07 per bed.

To obtain a copy of the assessment for all facilities, send an e-mail to RA-DHPADNCFEXCEPT@pa.gov and request the FY 2023-2024 MCARE surcharge assessment list for nursing care facilities. Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a nursing care facility has any questions concerning this notice, a representative from that facility should contact Susan Williamson, Director, Division of Nursing Care Facilities, 2525 7th Street, Suite 210, Harrisburg, PA 17710, (717) 787-1816.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille) should contact Susan Williamson at the previously listed 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. 24-242. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Title V Maternal and Child Health Five-Year Needs and Capacity Assessment Regional Prioritization Public Meetings Schedule; Corrected Notice

Every 5 years, the Department of Health’s Title V Maternal and Child Health Services Block Grant requires that the Bureau of Family Health (Bureau) conduct a State-level, comprehensive assessment of the health status of women, birthing people, children, adolescents and children and youth with special health care needs to identify the priority health needs that will guide State and local public health work funded by Title V. During this assessment, the Bureau also evaluates its capacity to serve the maternal and child health populations. The results from the assessment will be used to identify 7 to 10 specific priorities that can be positively impacted by strategic public health work over the next 5 years. State and local Title V staff will identify and implement evidence-based strategies with the goal of making a positive impact on the selected priorities and the health of the maternal and child health populations.

The Bureau will hold public meetings for providers and families across this Commonwealth to share input on the potential priorities that will guide the issues the Commonwealth’s Title V programs will address over the next 5 years. Those public meetings will be held at the following places and times:

- Thursday, March 7, 2024, at 3 p.m. at the Community Center at Willow Grove Giant, 315 York Road, Willow Grove, PA 19090.
- Thursday, March 14, 2024, at 3 p.m. at The Woodlands Inn, 1073 Highway 315, Wilkes-Barre, PA 18702.
- Tuesday, March 26, 2024, at 3 p.m. at the Ambassador Banquet and Conference Center, 7794 Peach Street, Erie, PA 16509.
- Wednesday, March 27, 2024, at 3 p.m. at the Kovalchick Convention and Athletic Complex, 711 Pratt Drive, Indiana, PA 15705.

This is an update to the previous notice that was published at 54 Pa.B. 476 (January 27, 2024).

For additional information or for persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Morgan Williams-Fake, Health and Welfare Building, 625 Forster Street, 7th Floor East, Harrisburg, PA 17120, (717) 346-3000, 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).

These meetings are subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 24-243. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Payment for Ambulance Transportation

Background

Act 15 of 2023 (P.L. 63, No. 15), enacted on October 23, 2023, provides for the payment of ground mileage for every loaded mile and that the fees for ambulance services are the greater of the highest Medicare rates published in the Ambulance Fee Schedule Public Use File for calendar year 2023 or the current Medicaid Ambulance Fees as updated by Medical Assistance (MA) Bulletin 26-22-07, titled “2023 Ambulance Fee Increases,” in both the Fee-for-Service (FFS) and managed care delivery systems, subject to Federal approval as may be necessary and contingent on the availability of Federal financial participation, beginning January 1, 2024. On December 30, 2023, the Department of Human Services (Department) announced its intent to increase fees for certain ambulance services for dates of service on and after January 1, 2024, upon approval by the Centers for Medicare & Medicaid Services (CMS) of a State Plan Amendment (SPA). See 53 Pa.B. 8162 (December 30, 2023). The Department is announcing updates to those previously published fees, as well as fee changes to two additional ambulance transportation procedure codes.

Discussion

Upon approval by the CMS of the SPA, the Department will update the fees on the MA Fee Schedule, for dates of service on and after January 1, 2024, as follows:

<i>Procedure Code</i>	<i>Procedure Code Definition</i>	<i>Pricing Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective January 1, 2024</i>
A0425	Ground mileage, per statute mile	U8	\$4 per mile for each loaded mile beyond 20 loaded miles of a trip	\$13.20 per mile for each loaded mile of a trip
A0426	Ambulance service, advanced life support, nonemergency transport, level 1 (ALS 1)		\$400	\$421.54

<i>Procedure Code</i>	<i>Procedure Code Definition</i>	<i>Pricing Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective January 1, 2024</i>
A0427	Ambulance service, advanced life support, emergency transport, level 1 (ALS 1—emergency)		\$400	\$667.43
A0428	Ambulance service, basic life support, nonemergency transport (BLS)		\$325	\$351.29
A0429	Ambulance service, basic life support, emergency transport (BLS, emergency)		\$325	\$562.05
A0430	Ambulance service, conventional air services, transport, one way (fixed wing)		\$3,325.53	\$5,589
A0431	Ambulance service, conventional air services, transport, one way (rotary wing)		\$3,325.53	\$6,498.05
A0432	Paramedic intercept (PI), rural area, transport furnished by a volunteer ambulance company which is prohibited by State law from billing third-party payers		\$80	\$501.42
A0433	Advanced life support, level 2 (ALS 2)		\$400	\$966.01
A0434	Specialty care transport (SCT)		\$400	\$1,141.66
A0436	Rotary wing air mileage, per statute mile		\$22.45 per mile for each loaded mile beyond 20 loaded miles of a trip	\$40.92 per mile for each loaded mile beyond 20 loaded miles of a trip

Upon CMS approval, the Department will issue an MA Bulletin advising ambulance providers of the change.

Fiscal Impact

The overall estimated fiscal impact for Fiscal Year 2023-2024 is \$2.313 million (\$0.634 million in State funds and \$1.678 million in Federal funds) for FFS, \$41.561 million (\$13.161 million in State funds and \$28.400 million in Federal funds) for Capitation and \$13.935 million (\$6.394 million in State funds and \$7.542 million in Federal funds) for Community HealthChoices (CHC). The overall annualized amount is \$4.625 million (\$1.268 million in State funds and \$3.357 million in Federal funds) for FFS, \$99.747 million (\$30.850 million in State funds and \$68.897 million in Federal funds) for Capitation and \$33.445 million (\$15.101 million in State funds and \$18.344 million in Federal funds) for CHC.

Public Comment

Interested persons are invited to submit written comments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1614. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) MA—FFS; (2) Implementing Year 2023-24 is \$634,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$1,268,000; (4) 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000;

(7) MA—Capitation; (2) Implementing Year 2023-24 is \$13,161,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$30,850,000; (4) 2022-23 Program—\$4,557,000,000; 2021-22 Program—\$3,060,000,000; 2020-21 Program—\$2,507,000,000;

(7) MA—Community HealthChoices; (2) Implementing Year 2023-24 is \$6,394,000; (3) 1st Succeeding Year 2024-25 through 5th Succeeding Year 2028-29 are \$15,101,000; (4) 2022-23 Program—\$4,251,000,000; 2021-22 Program—\$3,165,000,000; 2020-21 Program—\$2,328,000,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 24-244. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Per Diem Rates at Pennsylvania State Veterans' Homes

The Department of Military and Veterans Affairs has established the following per diem rates for the costs of care for residents at Pennsylvania's six State Veterans' Homes. These rates are based on costs of care for the period July 1, 2022, to June 30, 2023.

These per diem rates are effective February 1, 2024, until further notice:

<i>Hollidaysburg Veterans' Home, Hollidaysburg:</i>	
Nursing Care	\$629
Personal Care (Domiciliary)	\$332
<i>Pennsylvania Soldiers' and Sailors' Home, Erie:</i>	
Nursing Care	\$637
Personal Care (Domiciliary)	\$341
<i>Southeastern Veterans' Center, Spring City:</i>	
Nursing Care	\$621
Personal Care (Domiciliary)	\$322
<i>Gino J. Merli Veterans' Center, Scranton:</i>	
Nursing Care	\$624
Personal Care (Domiciliary)	N/A
<i>Southwestern Veterans' Center, Pittsburgh:</i>	
Nursing Care	\$577
Personal Care (Domiciliary)	N/A
<i>Delaware Valley Veterans' Home, Philadelphia:</i>	
Nursing Care	\$552
Personal Care (Domiciliary)	N/A

MARK J. SCHINDLER,
Major General, PAARNG
Adjutant General

[Pa.B. Doc. No. 24-245. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Excess Land

Under 67 Pa. Code § 495.4(d) (relating to application procedure), the Department of Transportation is leasing excess land located at 2724 Somerset Street, Philadelphia, PA 19134, approximately ± 9,506 square feet/hectares, adjacent to SR 0095 Section GR1 RW Parcel 244A.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions and Revisions; April 2024

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not

regarding the approval of this application to Louis Belmonte, PE, District Executive, Engineering District 6.0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

Questions regarding this application or the proposed use may be directed to Barbara DiCianno, Right-of-Way Administrator, 7000 Geerdes Boulevard, King of Prussia, PA 19406, (610) 205-6504.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 24-246. Filed for public inspection February 23, 2024, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Commission Meeting

The State Transportation Commission (Commission) will hold a meeting on Wednesday, February 28, 2024, 10 a.m. to 12 p.m. This meeting will be held in the Keystone Building, 8N1, 400 North Street, Harrisburg, PA and by means of Microsoft Teams. The meeting information, including the agenda, can be found at <https://bit.ly/3RZuG5R>.

Individuals can join the virtual meeting at https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_MmYzMDZkNTItM2Y4Zi00MTJlLTg4OTItMjFlOTJmMTgxZTIx%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%25225254d3e7-0194-4a47-999f-79cb74a9b0ae%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=65e1c6f6-a937-4110-8e20-eeb31dbe76ca&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true. The meeting ID is 237 635 438 540. The passcode is JB3YCx. The call-in number is (267) 332-8737. The conference ID is 548882115#.

To download Microsoft Teams, go to <https://www.microsoft.com/en-us/microsoft-teams/download-app>. To join on the web, go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1>.

To find a local number, go to <https://dialin.teams.microsoft.com/783683fb-6d69-4e8b-aa52-814e500ad7b8?id=548882115>. To reset the PIN, go to <https://dialin.teams.microsoft.com/usp/voicemail>.

For more information, contact the Office of the Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 24-247. Filed for public inspection February 23, 2024, 9:00 a.m.]

determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 29, 2024, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Adams	Clear Run	Headwaters to Mouth	Carbaugh Run	39.899551 77.451942
Adams	Saw Mill Run	Headwaters to Mouth	Carbaugh Reservoir	39.869920 77.453326
Bedford	Unknown Tributary (UNT) to Bank Run (RM 0.28)	Headwaters to Mouth	Bank Run	40.145049 78.298101
Blair	South Dry Run	Headwaters to Mouth	Frankstown Branch Juniata River	40.357342 78.427840
Blair	Township Run	Headwaters to Mouth	Frankstown Branch Juniata River	40.488086 78.243008
Cambria	UNT (RM 0.37) to UNT to Laurel Run (RM 5.35)	Headwaters to Mouth	UNT to Laurel Run (RM 5.35)	40.411208 78.902809
Carbon	UNT to Nesquehoning Creek (First Hollow Creek)	Headwaters to Mouth	Nesquehoning Creek	40.864259 75.819202
Franklin	Mackey Run	Headwaters to Mouth	Red Run	39.741511 77.491797
Indiana	Yellow Creek	Headwaters to Laurel Run	Two Lick Creek	40.541111 79.167222
Juniata	Schweyer Run	Headwaters to Mouth	Juniata River	40.568823 77.399157
Lycoming	Lick Run	Headwaters to Mouth	Muncy Creek	41.308056 76.663055
Mifflin	UNT (RM 0.08) to UNT to Laurel Creek Reservoir (RM 5.82)	Headwaters to Mouth	UNT to Laurel Creek Reservoir (RM 5.82)	40.729017 77.640042
Mifflin	UNT to Laurel Creek Reservoir (RM 5.82)	Headwaters to Mouth	Laurel Creek Reservoir	40.729424 77.638665
Mifflin	UNT to Lingle Creek (RM 4.06)	Headwaters to Mouth	Lingle Creek	40.707993 77.662195
Mifflin	UNT to Tea Creek (RM 4.60)	Headwaters to Mouth	Tea Creek	40.701704 77.643358
Potter	Indian Shanty Run	Headwaters to Mouth	Borie Branch	41.678284 77.955673
Potter	UNT to Prouty Run (RM 3.08)	Headwaters to Mouth	Prouty Run	41.662926 77.908905
Somerset	UNT to Beaverdam Run (RM 3.34)	Headwaters to Mouth	Beaverdam Run	40.106940 78.749580
Wayne	UNT (RM 0.64) to UNT (RM 0.64) to UNT to West Branch Lackawaxen River (RM 13.82)	Headwaters to Mouth	UNT (RM 0.64) to UNT to West Branch Lackawaxen River (RM 13.82)	41.679670 75.408537
Wayne	UNT (RM 2.88) to UNT to Middle Creek (RM 15.27)	Headwaters to Mouth	UNT to Middle Creek (RM 15.27)	41.531767 75.392422

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Lackawanna	Fall Brook	Headwaters to second SR 106 Bridge (from Mouth)	Headwaters to Mouth	Lackawanna River	41.568056 75.510556
Schuylkill	Still Creek	Headwaters to Still Creek Reservoir	Headwaters to Mouth	Little Schuylkill River	40.848912 76.003649

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Union	Spruce Run	Headwaters to confluence with Black Run	Headwaters to Mouth	Buffalo Creek	40.976944 76.978889
Wayne	Starrucca Creek	Thompson to Wayne/Susquehanna County line	Headwaters to UNT at RM 11.09	North Branch Susquehanna River	41.962502 75.589996

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments, objections or suggestions may also be submitted electronically to RA-pfbcregulations@pa.gov.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-248. Filed for public inspection February 23, 2024, 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 March 11, 2024. 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 March 11, 2024. 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-2023-3044819. Victor Transportation, Inc. (722 North Locust Street, Hazleton, Luzerne County, PA 18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City of Hazleton, Luzerne County, to Hazleton Area School District Schools, and vice versa.

A-2024-3046117. William Kepner, t/a Kepner Logistics (17156 State Route 44, Allenwood, Lycoming County, PA 17810) 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 the Counties of Centre, Clinton, Lycoming, Northumberland and Union, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-249. Filed for public inspection February 23, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due March 11, 2024, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Latino Taxi Service, LLC; Docket No. C-2024-3044157

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Latino Taxi Service, LLC, Respondent, maintains its principal place of business at 25 East Broad Street, West Hazleton, PA 18202.
2. That Respondent was issued a certificate of public convenience for taxi authority by this Commission on

October 11, 2017, at PUC No. 6320054 certificate A-2017-2613993.

3. That on November 27, 2023, PUC Officer Neal Ebbert received a complaint filed regarding violations of the Commission regulations that occurred on November 7, 2023.

4. That on November 27, 2023, PUC Enforcement Officer Neal Ebbert conducted a meter course on the taxi in question, taxi # 137, and found that the meter displayed the correct amount for the metered course. Officer then questioned the driver, John Rosario, about the incident, to which Mr. Rosario explained that he did use the meter, but the occupant had many packages and he decided to charge an additional amount for the number of packages the passenger had. No information was posted indicating that there would be an additional charge for assisting with loading or unloading packages.

5. That on November 27, 2023, Officer Ebbert requested the driver, Mr. Rosario, duplicate the trip originally noted in the complaint on November 7, 2023. The driver refused the request to complete the assignment.

6. That on November 27, 2023, Officer Ebbert inspected the file of driver, John Rosario, that included a driver record dated 1/8/2023 but no criminal history was on file. Officer Ebbert requested the log sheet from the date of the taxi transportation, November 7, 2023, but was told the driver keeps the log sheets and submits them monthly.

7. That Respondent, by allowing driver, John Rosario, to refuse an officer's request to duplicate the trip indicated in the complaint hindered the officer's investigation, violating 66 Pa. Code § 505. The penalty for this violation is \$500.00.

8. That Respondent, by failing to have a driver's current criminal history on file, has violated 52 Pa. Code § 29.505(b)(2). The penalty for this violation is \$100.00.

9. That Respondent, by failing to retain completed log sheets, violated 52 Pa. Code § 29.313(c). The penalty for this violation is \$50.00.

10. That Respondent, by allowing a driver to ask for an additional charge for the handling of baggage, has violated 52 Pa. Code § 29.313(d). The penalty for this violation is \$50.00.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Latino Taxi Service, LLC the amount of seven hundred dollars (\$700.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,
Andrew Turriziani, Chief
Bureau of Investigation and Enforcement
Motor Carrier Enforcement Division
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10 January 2024

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, 3rd Floor
Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceedings shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Latino Taxi Service LLC; Docket No. C-2024-3044158

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Latino Taxi Service, LLC, Respondent, maintains its principal place of business at 25 East Broad Street, West Hazleton, PA 18202.

2. That Respondent was issued a certificate of public convenience for taxi authority by this Commission on October 11, 2017, at PUC No. 6320054 certificate A-2017-2613993.

3. That on November 27, 2023, PUC Officer Neal Ebbert received a complaint filed regarding violations of the Commission regulations that occurred on November 6, 2023, involving taxi # 129.

4. That on November 27, 2023, PUC Enforcement Officer Neal Ebbert conducted a meter course on taxi # 129, and found that the meter displayed the correct amount for the metered course. Officer then questioned the driver, Juan Tavarez, about the incident regarding the passenger alleged that the meter was not used and being overcharged for a ride from Seybert Street to Walmart, both located on Airport Road in the city of Hazleton. Mr. Tavarez explained that he did use the meter, but he had to wait outside the passengers home and the pickup was at a time of day when more traffic was on the road.

5. That on November 27, 2023, Officer Ebbert requested the driver to transport Officer Ebbert along the same route and the meter displayed an amount of \$17.40 and with the additional charge of \$1.00 for a ride taking place after 4 pm the total charge was \$18.40. The passenger was charged \$18.00, which was an undercharge to the passenger.

6. After repeating the trip, Officer Ebbert conducted an inspection of the taxi, which was found to have an expired PA state inspection, expiring in October 2023.

7. Officer Ebbert then proceeded to the Latino Taxi office and reviewed driver (Mr. Tavarez's) file.

a. The last criminal history on file was dated July 29, 2021. Carrier is required to obtain a criminal history every two years.

b. No driving record was in this file. Carrier is required to obtain a driver history on a yearly basis.

c. No log sheet was produced, driver Mr. Tavarez, stated the log sheet was at his house.

8. That Respondent, by allowing a vehicle to be operated with an expired PA state inspection sticker, has violated 52 PA Code § 29.403(8) and § 29.405. The penalty for this violation is \$100.00.

9. That Respondent, by failing to have a current criminal history on file has violated 52 PA Code § 29.505. The penalty for this violation is one hundred dollars (\$100.00).

10. That Respondent, by failing to have a driver's current criminal history on file, has violated 52 Pa. Code § 29.505(b)(2). The penalty for this violation is \$100.00.

11. That Respondent, by failing to retain completed log sheets, violated 52 Pa. Code § 29.313(c). The penalty for this violation is \$50.00.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Latino Taxi Service, LLC the amount of three hundred fifty dollars (\$350.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,
Andrew Turriziani, Chief
Bureau of Investigation and Enforcement
Motor Carrier Enforcement Division
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10 January 2024

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

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Pennsylvania Public Utility Commission
400 North Street, 3rd Floor
Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a

fine, the suspension or revocation of your certificate of public convenience or other remedy.

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Rosemary Chiavetta, Secretary
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D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceedings shall be closed.

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ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-250. Filed for public inspection February 23, 2024, 9:00 a.m.]

