

NOTICES

DEPARTMENT OF AGING

Pennsylvania Long-Term Care Council; Hybrid Update for 2023-2024 Meetings

The Pennsylvania Long-Term Care Council's (Council) meetings for the 2023-2024 year will be held virtually by means of WebEx and in-person at the Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101. The start time will remain at 10 a.m. Persons wishing to attend the meeting are asked to contact Sasha Santana, Executive Secretary, (717) 787-3368, ra-ailtcc@pa.gov. The dates are as follows:

February 9, 2023

April 13, 2023
June 8, 2023
August 10, 2023
October 12, 2023
December 14, 2023

Individuals in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Sasha Santana, Executive Secretary, (717) 787-3368, ra-ailtcc@pa.gov.

ROBERT TORRES,
Secretary

[Pa.B. Doc. No. 22-1978. Filed for public inspection December 23, 2022, 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 December 13, 2022.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-08-2022	The Muncy Bank and Trust Company Muncy Lycoming County	201 South Market Street South Williamsport Lycoming County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-05-2022	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	<i>To:</i> 44 East Broad Street Bethlehem Northampton County <i>From:</i> 2 West Broad Street Bethlehem Northampton County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-30-2022	PeoplesBank, A Codorus Valley Company York York County	1 Manchester Street Glen Rock York County	Closed

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-1979. Filed for public inspection December 23, 2022, 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 provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

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: 814-332-6078. 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>
PA0276529	Industrial Stormwater Individual NPDES Permit	Transfer	County Waste of PA, LLC 17 Industrial Park Road Lake Ariel, PA 18463	Sterling Township Wayne County	NERO
0313800	Joint DEP/PFBC Pesticides Permit	Renewal	Rehak Douglas 111 High Meadow Drive Freeport, PA 16229-1831	South Buffalo Township Armstrong County	NWRO
1013807	Joint DEP/PFBC Pesticides Permit	Renewal	Doug and Mary Rehak 673 Sunset Drive Freeport, PA 16002	Buffalo Township Butler County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1013815	Joint DEP/PFBC Pesticides Permit	Renewal	Walden Pond Home Owners Assoc 20475 Route 19 Cranberry Township, PA 16066	Cranberry Township Butler County	NWRO
1013827	Joint DEP/PFBC Pesticides Permit	Renewal	David Rath 151 Beacon Road Renfrew, PA 16353	Penn Township Butler County	NWRO
1013828	Joint DEP/PFBC Pesticides Permit	Renewal	Averys Fields HOA P.O. Box 2014 Cranberry Township, PA 16066-1014	Cranberry Township Butler County	NWRO
1018806	Joint DEP/PFBC Pesticides Permit	Renewal	Gabriel Ciafre 161 Deer Creek Road Saxonburg, PA 16056-9755	Clinton Township Butler County	NWRO
1018808	Joint DEP/PFBC Pesticides Permit	Renewal	Mars Bethel Golf Course 540 Route 228 Mars, PA 16046-3124	Adams Township Butler County	NWRO
2013804	Joint DEP/PFBC Pesticides Permit	Renewal	Pleasant Hills Homeowners Assoc 23917 Thornapple Drive Cambridge Springs, PA 16403-3567	Cambridge Township Crawford County	NWRO
2018801	Joint DEP/PFBC Pesticides Permit	Renewal	Conneaut Lake Mgt Assoc P.O. Box 49 Conneaut Lake, PA 16316-0049	Conneaut Lake Borough Crawford County	NWRO
2513803	Joint DEP/PFBC Pesticides Permit	Renewal	Commodore Perry Yacht Club P.O. Box 3455 Erie, PA 16508-0455	Erie City Erie County	NWRO
2513806	Joint DEP/PFBC Pesticides Permit	Renewal	North East Marine Svs P.O. Box 647 North East, PA 16428-0647	North East Township Erie County	NWRO
2513807	Joint DEP/PFBC Pesticides Permit	Renewal	Presque Isle Yacht Club P.O. Box 1075 Erie, PA 16512-1075	Erie City Erie County	NWRO
2513811	Joint DEP/PFBC Pesticides Permit	Renewal	Edinboro Borough Erie County 124 Meadville Street Edinboro, PA 16412	Edinboro Borough Erie County	NWRO
2513815	Joint DEP/PFBC Pesticides Permit	Renewal	Bob Ferraro 5351 Lake Pleasant Road Erie, PA 16501	Erie City Erie County	NWRO
2513817	Joint DEP/PFBC Pesticides Permit	Renewal	Erie Yacht Club P.O. Box 648 1 Ravine Drive Erie, PA 16512-0648	Erie City Erie County	NWRO
2522806	Joint DEP/PFBC Pesticides Permit	New	Bay Harbor Marina Club 726 W Bayfront Parkway Erie, PA 16507-2320	Erie City Erie County	NWRO
2822803	Joint DEP/PFBC Pesticides Permit	New	Treat Jo 14660 Lower Horse Valley Road Orrstown, PA 17244-9427	Letterkenny Township Franklin County	SCRO
2822804	Joint DEP/PFBC Pesticides Permit	New	Penn National Golf & CC 3720 Club House Drive Fayetteville, PA 17222-9683	Guilford Township Franklin County	SCRO
4313801	Joint DEP/PFBC Pesticides Permit	Renewal	Jack Cline P.O. Box 206 Mercer, PA 16137-0206	Pine Township Mercer County	NWRO
4313802	Joint DEP/PFBC Pesticides Permit	Renewal	Grove City CC P.O. Box 427 Grove City, PA 16127-0427	Pine Township Mercer County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4616808	Joint DEP/PFBC Pesticides Permit	Amendment	Regency at Providence Community Assoc, Inc. 199 Sloan Road Phoenixville, PA 19460	Upper Providence Township Montgomery County	SERO
6722807	Joint DEP/PFBC Pesticides Permit	New	Bob and Patricia Alexander 1100 Pleasant Grove Road York Haven, PA 17370-8700	Newberry Township York County	SCRO
1504402	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Camp Hill Village Kimberton Hills P.O. Box 1045 Kimberton, PA 19442-1045	West Vincent Township Chester County	SERO
21222201	Manure Storage and Wastewater Impoundments Individual WQM Permit	New	Barrick Dairy, LLC 2653 Walnut Bottom Road Carlisle, PA 17015-9329	Penn Township Cumberland County	SCRO
3417201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Amendment	Reinford Farms, Inc. 505 Cedar Grove Road Mifflintown, PA 17059-8134	Walker Township Juniata County	SCRO
NOEXNW076	No Exposure Certification	Renewal	Victor Group, Inc. 1651 E 12th Street Erie, PA 16511-1721	Erie City Erie County	NWRO
NOEXSC389	No Exposure Certification	New	Materion Corp 225 Peach Street Leesport, PA 19533-8644	Ontelaunee Township Berks County	SCRO
PAG030056	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	CSC Sugar, LLC 200 Rock Run Road Fairless Hills, PA 19030-4320	Falls Township Bucks County	SERO
PAG049599	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Donald and Sara Campbell 151 Forestview Lane Edinboro, PA 16412-1763	Washington Township Erie County	NWRO
PAG123937	PAG-12 NPDES General Permit for CAFOs	New	Light Jacob 177 Blue Mountain Road Fredericksburg, PA 17026-9352	Bethel Township Lebanon County	SCRO
4204401	Pump Stations Individual WQM Permit	Amendment	Eldred Borough P.O. Box 270 3 Bennett Street Eldred, PA 16731-0270	Eldred Borough McKean County	NWRO
4822402	Sewer Extensions Individual WQM Permit	New	Township of Palmer 3 Weller Place Palmer, PA 18405	Palmer Township Bethlehem Township Northampton County	NERO
PA0291226	Single Residence STP Individual NPDES Permit	Transfer	Bable Michelle 712 New Castle Road Slippery Rock, PA 16057-4220	Worth Township Butler County	NWRO
1022413	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Bable Michelle 712 New Castle Road Slippery Rock, PA 16057-4220	Worth Township Butler County	NWRO
3622409	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Santiago Jose 6612 River Road Conestoga, PA 17516-9749	Conestoga Township Lancaster County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4222409	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Stoltz Garth H Jr 451 W Kirby Road Battle Creek, MI 49017-9012	Corydon Township McKean County	NWRO
WQG018767	WQG-01 WQM General Permit	Transfer	Donald and Sara Campbell 151 Forestview Lane Edinboro, PA 16412-1763	Washington Township Erie County	NWRO
WQG02072202	WQG-02 WQM General Permit	New	Hollidaysburg Borough Sewer Authority Blair County 401 Blair Street Hollidaysburg, PA 16648-1805	Frankstown Township Blair County	SCRO
WQG02652202	WQG-02 WQM General Permit	New	Mt Pleasant Township Municipal Authority Westmoreland County P.O. Box 137 208 Poker Road Mammoth, PA 15664-0137	Mount Pleasant Township Westmoreland County	SWRO

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

Northcentral Regional Office

PA0020273, Sewage, SIC Code 4952, **Milton Regional Sewer Authority, Northumberland County**, 5585 State Route 405, Milton, PA 17847-7519. Facility Name: Milton Regional Sewer Authority STP. This existing facility is located in West Chillisquaque Township, **Northumberland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 4.25 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Raw Sewage Influent pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	886	1,417	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Wkly Avg Report	XXX	Report	Wkly Avg XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	1,063	Wkly Avg 1,595	XXX	30	45	60
Fecal Coliform (No./100 ml)					Wkly Avg	
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	Report	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX

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<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Arsenic, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	0.28	0.43	XXX	7.79	12.2	19.5
Chromium, Hexavalent (ug/L)	Report	Report	XXX	Report	Report	XXX
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Lead, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Mercury, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Nickel, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Selenium, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Silver, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 011 are based on a design flow of 0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012 are based on a design flow of 0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 1.01 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point Biochemical Oxygen Demand (BOD ₅)	Report	Daily Max Report	XXX	Report	Report	XXX
Internal Monitoring Point Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Internal Monitoring Point						

The proposed effluent limits for Outfall 201 are based on a design flow of 0.77 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point Biochemical Oxygen Demand (BOD ₅)	Report	Daily Max Report	XXX	Report	Report	XXX
Internal Monitoring Point Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Internal Monitoring Point						

The proposed effluent limits for Outfall 301 are based on a design flow of 0.0054 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point		Daily Max				
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Internal Monitoring Point						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Internal Monitoring Point						

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	72,217 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	10,049 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

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

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

- Industrial Stormwater Requirements
- WET Monitoring Requirements

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

The EPA Waiver is not in effect.

Northeast Regional Office

PA0060097, Sewage, SIC Code 4952, **PA American Water Co.**, 895 Wesley Drive, Mechanicsburg, PA 17055. Facility Name: Pocono Country Place Sewage Treatment Plant (STP). This existing facility is located in Coolbaugh Township, **Monroe County**.

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

The receiving stream(s), Dresser Run (HQ-CWF, MF), is located in State Water Plan watershed 2-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104.2	Report	XXX	10.0	15.0	20
Ammonia-Nitrogen						
Nov 1 - Apr 30	72.0	Report	XXX	7.0	14.0 Daily Max	14
May 1 - Oct 31	24.0	Report	XXX	2.3	4.6 Daily Max	4.6
Selenium, Total (ug/L)	Report	Report	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	74.6	111.9	XXX	7.16	10.74	14.32
Ammonia-Nitrogen						
Nov 1 - Apr 30	54.4	108.8	XXX	5.22	10.44	10.44
May 1 - Oct 31	18.1	36.2	XXX	1.74	3.48	3.48
Selenium, Total (ug/L)	0.06	0.093	XXX	5.74	8.96	14.4

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
CBOD ₅	85	XXX	XXX	XXX	XXX	XXX
Minimum % Removal (%)	Min Mo Avg					
Total Suspended Solids	208	Report	XXX	20.0	30.0	40.0
Total Dissolved Solids	Report	Report	XXX	1,000.0	2,000.0	2,000.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	114.6	Report	XXX	11.0	22.0	22.0
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	10.4	Report	XXX	1.0	2.0	2.0
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Antimony, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Boron, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Copper, Total (ug/L)	0.11	0.16	XXX	10.7	12.0	15.6
Cyanide, Free (ug/L)	Report	Report	XXX	Report	Report	XXX
Manganese, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	0.9	1.44	XXX	120.0	138.0	138.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Internal Monitor Point/Outfall 101 are based on a design flow of NA MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX

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

- Stormwater prohibition; Necessary property rights; Proper management of residuals; Planning; Chlorine minimization; SBR discharge condition; Notification of responsible operator; High Flow Management Plan; Changes in stream/discharge; Schedule of Compliance (CBOD₅ and Ammonia-N); Solids management; WQBELs for toxic pollutants (Selenium); Whole Effluent Toxicity (WET); Stormwater

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 not in effect.

Northeast Regional Office

PA0064033, Sewage, SIC Code 4952, **Pusti Margiya Vashnav Samaj of North American**, 15 Manor Road, Schuylkill Haven, PA 17972-9067. Facility Name: Vraj Temple Sewage Treatment Plant (STP). This existing facility is located in Wayne Township, **Schuylkill County**.

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

The receiving stream(s), Unnamed Tributary to Lower Little Swatara Creek (CWF, MF), is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .075 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.22	XXX	0.73
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	25.0	50.0	50.0
Total Suspended Solids	Report	Report	XXX	30.0	60.0	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report	XXX	10.5	21.0	21.0
May 1 - Oct 31	Report	Report	XXX	3.5	7.0	7.0
Total Phosphorus						
Apr 1 - Oct 31	Report	Report	XXX	2.0	4.0	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of .075 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Nitrate-Nitrite as N	Report	Report	XXX	Report	Report	XXX
Total Nitrogen	Annl Avg Report	Report	XXX	Annl Avg Report	Report	XXX
Total Kjeldahl Nitrogen	Annl Avg Report	Report	XXX	Annl Avg Report	Report	XXX
Aluminum, Total	Annl Avg Report	Report	XXX	Annl Avg Report	Report	XXX
Iron, Total	Annl Avg Report	Report	XXX	Annl Avg Report	Report	XXX
Manganese, Total	Annl Avg Report	Report	XXX	Annl Avg Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .075 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

- Stormwater prohibition; Necessary property rights; Residuals management; Planning; Chlorine minimization; Responsible operator notification; WQM permitting for any future expansion; Solids management.

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

PA0091316, Sewage, SIC Code 4952, **Barbara J and Edward J Tanski**, 854 Evans City Road, Renfrew, PA 16053-9206. Facility Name: Buttercup Woodlands Campground. This existing facility is located in Connoquenessing Township, **Butler County**.

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

The receiving stream is an Unnamed Tributary to Little Connoquenessing Creek, located in State Water Plan watershed 20-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .04 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (#/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annual Avg Report Avg Qrtly	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0097535, Sewage, SIC Code 3429, 4952, **Norma Pennsylvania Inc., d/b/a Breeze Ind Products Corp.**, 3582 Tunnelton Road, Saltsburg, PA 15681-3305. Facility Name: Breeze Ind Clamp Division. This existing facility is located in Conemaugh Township, **Indiana County**.

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

The receiving stream is an Unnamed Tributary to Elders Run, located in State Water Plan watershed 18-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .002 MGD.

<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>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.002	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	XXX	XXX	1.2
			0.5			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	20.0	XXX	XXX	40.0
Total Suspended Solids	XXX	XXX	20.0	XXX	XXX	40.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	25.5	Geo Mean	XXX	51.0
				Nov 1 - Apr 30		
May 1 - Oct 31	XXX	XXX	8.5	XXX	XXX	17.0

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265055, Sewage, SIC Code 4952, 8800, **Bruce C Ireland**, 131 N Branch Road, Eldred, PA 16731-3903. Facility Name: Bruce C Ireland SRSTP. This existing facility is located in Eldred Township, **McKean County**.

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

The receiving stream is the North Branch Indian Creek, located in State Water Plan watershed 16-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	Inst Min	10.0	XXX	20.0
			XXX			
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265357, Sewage, SIC Code 4952, 8800, **Christine Daliman**, 530 Blossom Avenue, Campbell, OH 44405-1430. Facility Name: Christine Daliman SRSTP. This existing facility is located in Green Township, **Forest County**.

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

The receiving stream is an unnamed tributary to Ellsworth Run, located in State Water Plan watershed 16-F and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265471, Sewage, SIC Code 4952, 8800, **Daniel Kerle**, 3238 Waterson Road, Strattanville, PA 16258. Facility Name: Daniel Kerle SRSTP. This existing facility is located in Clarion Township, **Clarion County**.

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

The receiving stream is an Unnamed Tributary to Little Piney Creek, located in State Water Plan watershed 17-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265594, Sewage, SIC Code 4952, 8800, **Allen Hawthorne**, 1024 Mission Drive, Erie, PA 16509-2968. Facility Name: Allen Hawthorne SRSTP. This existing facility is located in Franklin Township, **Erie County**.

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

The receiving stream is an Unnamed Tributary to Porter Run, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265675, Sewage, SIC Code 4952, 8800, **David T Parish**, 3860 Frew Mill Road, New Castle, PA 16101-8114. Facility Name: David T Parish SRSTP. This existing facility is located in Slippery Rock Township, **Lawrence County**.

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

The receiving stream is Brush Run, located in State Water Plan watershed 20-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0271373, Sewage, SIC Code 4952, 8800, **Brian and Jennifer Mills**, 2282 Happy Valley Road, East Springfield, PA 16411-9774. Facility Name: Brian & Jennifer Mills SRSTP. This existing facility is located in Springfield Township, **Erie County**.

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

The receiving stream is an Unnamed tributary to Lake Erie, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0281883, Concentrated Animal Feeding Operation (CAFO), **Jeremy Imler (Jeremy Imler Swine Farm)**, 566 Salemville Road, New Enterprise, PA 16664-8141.

Jeremy Imler has submitted an application for an Individual NPDES permit for a new CAFO known as Jeremy Imler Swine Farm, located in South Woodbury Township, **Bedford County**.

The CAFO is situated near Unnamed Tributary to Beaver Creek (HQ-CWF, MF) in Watershed 11-D, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 699.10 animal equivalent units (AEUs) consisting of 4,588 Swine Grow Finish, 3 Donkey Mature, 5 Meat Goat Doe, and 10 Medium Breed Ewe. Liquid swine manure is collected by shallow pull-plug underbarn reception pits before gravity flowing to an exterior rectangular concrete storage. Manure can then be pumped to an HDPE lined lagoon. The operation is proposing the construction of a new swine barn and rectangular underbarn deep pit manure storage. 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

PA0036374, Sewage, SIC Code 4952, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. Facility Name: Eaglepointe Development Assoc STP. This existing facility is located in Upper Uwchlan Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Marsh 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 001 are based on a design flow of 0.015 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Flow (MGD)	Report	Report	XXX	Avg Qrtly XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.14	XXX	0.34
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	2.5	3.8	XXX	20	30	40
May 1 - Oct 31	1.3	1.9	XXX	10	15	20
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	3.8	5.6	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	6.255	XXX	XXX	50	XXX	100
Ammonia-Nitrogen						
Nov 1 - Apr 30	0.189	XXX	XXX	1.5	XXX	3
May 1 - Oct 31	0.063	XXX	XXX	0.5	XXX	1
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	0.126	XXX	XXX	1.0	XXX	2
Total Phosphorus						
Apr 1 - Oct 31	0.063	XXX	XXX	0.5	XXX	1
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

Other Requirements

- A. No Stormwater
- B. Property Rights
- C. Sludge Removal
- D. TRC Minimization
- E. Small Stream Discharge

F. New Operator Notification

G. DRBC Fecal Coliform

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

The EPA Waiver is not in effect.

Southeast Regional Office

PA0011096, Industrial, SIC Code 4226, **Energy Transfer Marketing & Terminals L.P.**, 100 Green Street, Marcus Hook, PA 19061-4800. Facility Name: Marcus Hook Terminal. This existing facility is located in Marcus Hook Borough, **Delaware County**.

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

The receiving stream, Delaware River (WWF, MF) and Middle Creek (WWF), are located in State Water Plan watershed 3-G and are classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 020 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
Biochemical Oxygen Demand (BOD 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 Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 020 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	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 023 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
Biochemical Oxygen Demand (BOD 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 Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 401 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
Biochemical Oxygen Demand (BOD 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 Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
Acrolein	XXX	XXX	XXX	XXX	Report	XXX
Benzene	XXX	XXX	XXX	XXX	Report	XXX
BTEX, Total	XXX	XXX	XXX	XXX	Report	XXX
MTBE	XXX	XXX	XXX	XXX	Report	XXX

Stormwater Outfalls 021, 024—027 and 501 are not required to be monitored.

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Requirement
- D. BAT/ELG Reopener
- E. Stormwater Requirements
- F. Cooling Water Intake Requirements
- G. PCB/PMP Requirements

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0054909, Industrial, SIC Code 4941, **North Penn North Wales Water Authority, Montgomery County**, P.O. Box 317, Chalfont, PA 18914-0317. Facility Name: N Penn & N Wales Water Authority Pt Pleas Ps. This existing facility is located in Plumstead Township, **Bucks County**.

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

The receiving stream(s), North Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 26 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen						
Aug 1 - Feb 15	XXX	XXX	4.0	5.0	XXX	XXX
			Inst Min			
Feb 16 - Jul 31	XXX	XXX	5.0	6.0	XXX	XXX
			Inst Min			
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	Report
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Orthophosphate	XXX	XXX	XXX	Report	XXX	XXX

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

- No chemical additions without approval
- Dissolved oxygen requirements
- Continuous monitoring/alternative monitoring requirements
- Aquatic biological assessment

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0243914, Storm Water, SIC Code 3273, **Delaware Valley Concrete Co. Inc.**, 248 E County Line Road, Hatboro, PA 19040. Facility Name: Delaware Valley Concrete Conshohocken Plant. This existing facility is located in Plymouth Township, **Montgomery 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), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a stormwater.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50.0	100.0	100
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

- I. Stormwater Outfalls and Authorized Non-stormwater Discharges
- II. BMPs
- III. Routine Inspections
- IV. Preparedness, Prevention and Contingency (PPC) Plan
- V. Stormwater Monitoring Requirements
- VI. Other Requirements

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0096512, Sewage, SIC Code 4952, **Mount Morris Water & Sewer Authority**, 135 Plum Alley, Mount Morris, PA 15349. Facility Name: Mt Morris Water & Sewer Authority. This existing facility is located in Perry Township, **Greene 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), Dunkard Creek, is located in State Water Plan watershed 19-G and is classified for WWF, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	20.9	31.7	XXX	25	38	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	25.0	37.6	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	17.5	26.3	XXX	21.0	31.5	42
May 1 - Oct 31	5.8	8.8	XXX	7.0	10.5	14

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX

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

- TRC optimization
- Notification of designation of responsible operator
- Hauled in waste restriction
- Solids management for non-lagoon system

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0216666, Sewage, SIC Code 4952, **Iron Cumberland, LLC**, 855 Kirby Road, P.O. Box 1020, Waynesburg, PA 15370-3020. Facility Name: Iron Cumberland Prep Plant. This existing facility is located in Whiteley Township, **Greene 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), Whiteley Creek (TSF), is located in State Water Plan watershed 19-G and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of .02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.02	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			6.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.091	XXX	0.296
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	8.0
				4.0		
Nov 1 - Apr 30	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 002 are based on a design flow of .02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0093882, Industrial, SIC Code 4111, **Allegheny County Port Authority**, Heinz 57 Center, 3rd Floor, Pittsburgh, PA 15222-2527. Facility Name: West Mifflin Garage. This existing facility is located in West Mifflin Borough, **Allegheny County**.

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

The receiving stream(s), Thompson Run (WWF) and Unnamed Tributary to Streets Run (WWF), is located in State Water Plan watershed 19-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
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
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is not in effect.

Southwest Regional Office

PA0219088, Industrial, SIC Code 4953, **Cleveland Cliffs Steel Corp**, 9227 Centre Pointe Drive, West Chester, OH 45069-4822. Facility Name: Cleveland Cliffs Steel Corp Bridgeville Plant. This proposed facility is located in Collier Township, **Allegheny County**.

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

The receiving stream(s), Painters Run (WWF), is located in State Water Plan watershed 20-F 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 101 are based on a design flow of 0.0155 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point						
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Internal Monitoring Point						
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Antimony, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Arsenic, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Cadmium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Chromium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Copper, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Mercury, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Selenium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Vanadium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Bromide	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
PCB-1248 (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						
Trichloroethylene (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point						

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0155 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Aluminum, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Antimony, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Arsenic, Total (ug/L)	XXX	XXX	XXX	XXX	129.0	XXX
Internal Monitoring Point Cadmium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Chromium, Hexavalent	XXX	XXX	XXX	XXX	0.135	XXX
Internal Monitoring Point Chromium, Total	XXX	XXX	XXX	XXX	3.01	XXX
Internal Monitoring Point Copper, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Mercury, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Selenium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Vanadium, Total	XXX	XXX	XXX	XXX	1.295	XXX
Internal Monitoring Point Chloride	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Bromide	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point PCB-1248 (ug/L)	XXX	XXX	XXX	XXX	Report	XXX
Internal Monitoring Point Trichloroethylene (ug/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0155 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Radium-226 (pCi/L)	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD520046	New	Eric and Sue Vogelsberg 242 Prospect Road Monroe, NY 10950	Milford Township Pike County	NERO
PAD130009	Renewal	Boulder Oaks—Section 3 c/o Brian Stroup 425 Springhouse Lane Palmerton, PA 18071	Lower Towamensing Township Carbon County	NERO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC040113	New	Center Township Sanitary Authority 224 Center Grange Road Aliquippa, PA 15001	Center Township Beaver County	SWRO
PAD390234	New	PennDot District 5-0 1002 Hamilton Street Allentown, PA 18101	South Whitehall Township Lehigh County	NERO
PAD450169	New	Stadden Group, LLC 121 Alger Avenue Tannersville, PA 18372	Pocono Township Monroe County	NERO
PAD670075	New	VFW Post 7012 337 N. Constitution Avenue New Freedom, PA 17349-9521	New Freedom Borough York County	SCRO
PAC560012	Renewal	Shade Creek Watershed Association 1221 No 1 Road Cairnbrook, PA 15924	Shade Township Somerset County	SWRO
PAC110099	New	Johnstown Cambria County Airport Authority 479 Airport Road Suite 1 Johnstown, PA 15904	Richland Township Cambria County	SWRO
PAC630093	Renewal	US Department of Veterans Affairs 425 Eye Street, NW Suite 6W.417C Washington, DC 20001	Cecil Township Washington County	SWRO
PAD020065	New	SunCap Property Group LLC 6101 Carnegie Boulevard Suite 180 Charlotte, NC 28209	Stowe Township Allegheny County	SWRO
PAD260013A-3	Major Amendment	Nemacolin Woodlands, Inc. 1001 LaFayette Drive Farmington, PA 15437	Wharton Township Fayette County	SWRO
PAD480180	New	Overlook at Nazareth, LLC Mike Tuskes 4511 Falmer Drive Bethlehem, PA 18020	Upper Nazareth Township Northampton County	NERO

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 de-

scription 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.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Wire-Mesh Products, Inc., Primary Facility ID # **862790**, 501 East King Street, York, PA 17403, City of York, **York County**. Groundwater Sciences Corporation, 2550 Interstate Drive, Suite 303, Harrisburg, PA 17110, on behalf of Wire-Mesh Products, Inc., 501 East King Street, York, PA 17403, submitted a Notice of Intent to Remediate soil contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide health and site-specific standards. Future use of the site is nonresidential. The Notice of Intent to Remediate was published in *York Daily Record* on November 11, 2022. Application received: December 2, 2022.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

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

WMGR123-NE011, SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, Jackson Township, **Susquehanna County**. An application for determination of applicability for the processing, transfer and beneficial use of oil and gas liquid waste at the Freitag Water Transfer facility. Application received: December 5, 2022. Deemed administratively complete: December 9, 2022.

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.

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.

Environmental Transport Group, Inc., P.O. Box 296, Flanders, NJ 07836. **License No. PA-AH 0104.** Accepted: November 10, 2022.

Vickery Transportation, Inc., 3956 State Route 412, Vickery, OH 43464. **License No. PA-AH 0698.** Accepted: December 8, 2022.

Laidlaw Carriers Van GP, Inc., 1179 Ridgeway Road, Woodstock, ON N4S 0A9. **License No. PA-AH 0714.** Accepted: November 10, 2022.

R&J Trucking, Inc., 8063 Southern Blvd., Youngstown, OH 44512. **License No. PA-AH 0880.** Accepted: November 10, 2022.

Ace Environmental Holdings, LLC, 4420 East Eager Street, Baltimore, MD 21205. **License No. PA-AH 0882.** Accepted: November 28, 2022.

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

Application(s) Received for Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B That May Have Special Public Interest. These Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.

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

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

24-00012M: GrafTech USA, LLC, 800 Theresia Street, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Application received: October 28, 2022.

The Department has received this Plan Approval Application for the proposed reactivation of the following sources and associated controls:

- Source 105—Coal Unloading
- Source 106—Storage, Preheaters, Screeners, Crushing
- Source 107—Petroleum Coke Flour Mill
- Source 108—Pitch Impregnation
- Source 109—Mixer, Feeder, Scale
- Source 138—48" Extrusion Press System
- Source 151—Burn Off Oven
- Source 162—Liquid Pitch Storage (PI) & Distribution
- Source 163—Air/Vegetable Oil Quench System
- Source 165—Pitch Storage (2) Plant 3
- Source 179—Coke Handling
- Source 197—Sagger Sand Handling System.

This is a Title V facility.

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

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

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

03-00274A: Sugar Creek Cremations LLC, 1520 State Route 268, Cowansville, PA 16028, Sugarcreek Township, **Armstrong County**. Application received: September 1, 2022.

The Department of Environmental Protection intends to issue a plan approval to Sugar Creek Cremations LLC to provide authorization for the construction and initial operation of one human crematory at their existing funeral home facility.

No air emission sources are currently associated with this facility. The operator may open the crematory's door during operation in order to reposition remains and to reduce cremation cycle times. This crematory was not eligible for authorization under General Plan Approval 14 per the Department's instruction that those facilities which open their primary chamber's door during operation, could no longer use the general permit. Special conditions will be included in this plan approval which address door opening and its' impact on emissions and operation. The crematories will be required to meet all emission and temperature requirements while the door is opened and will have additional recordkeeping and monitoring requirements.

This will be a natural minor facility upon completion of the project. Public notice is obligatory for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Potential emissions from the proposed source are estimated to be less than 1 tons per year (tpy) of particulate matter, SO_x, NO_x, CO, VOC, and HAP.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6940.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [03-00274A: Sugar Creek Cremations LLC] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region. Written comments or requests for a public hearing should be directed to Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335, telephone number: 814-332-6819.

10-00438A: American Contract Systems, Incorporated (ACS), 4020 Jackson's Pointe Court, Building 4000, Zelenople, PA 16063, Jackson Township, **Butler County**. Application received: July 19, 2022.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval 10-00438A to ACS for the operation of air cleaning devices and the operation of their ethylene oxide (EtO) sterilization facility.

ACS has voluntarily proposed to install and operate three (3) Advanced Safe-Cell unit dry bed absorbers on the existing nine (9) Aeration/Sterilization Chambers. Existing equipment included under this permit are two (2) EtO storage cabinets; two (2) EtO Injection Rooms and pallet rooms; and the quarantine area for QA/QC.

The proposed operation, after installation of controls, will emit a maximum of 15 pounds per consecutive 12-month rolling total of ethylene oxide (EtO). Some proposed equipment emissions were determined to be sources of minor significance with regard to plan approval requirements.

The authorization is subject to State regulations including 25 Pa. Code §§ 121.7, 123.13, 123.31, 123.41—123.43, 127.1, 127.3, 127.11, 127.12b, 127.14 and 129.14. The Plan Approval has been conditioned to ensure compliance with all applicable rules. The Plan Approval will contain additional testing, monitoring, recordkeeping, reporting, and work practice requirements, as applicable, and has been designed to keep the facility operating within all applicable air quality requirements. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 10-00438A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that

such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

OPERATING PERMITS

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

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

41-00013, Chance Aluminum Corporation, 2475 Trenton Avenue, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. Application received: July 14, 2022. The Department proposes a renewal of the Title V operating permit for the Chance Aluminum facility located in Williamsport, Lycoming County. The facility's sources include nineteen (19) storage tanks, fourteen (14) natural gas-fired heaters and boilers, four (4) cold rolling mills, three (3) annealing ovens, two (2) parts washers, one (1) vegetable/animal fat application process, quality control laboratory operations, one (1) natural gas-fired emergency generator and a coating solutions storage. The facility has the potential to emit 20.26 tons of nitrogen oxides (NO_x) per year, 17.02 tons of carbon monoxide (CO) per year, 276.66 tons of volatile organic compounds (VOCs) per year, 0.13 ton of sulfur oxides per year (SO_x), 1.26 tons of particulate matter (PM/PM₁₀) per year, less than 10 tons of individual and a combined 25 tons of hazardous air pollutants (HAPs) per year and 23,905 tons of greenhouse gasses (GHGs) per year. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

22-05007, Lancaster County Solid Waste Management Authority, 1670 South 19th Street, Harrisburg, PA 17104, City of Harrisburg, **Dauphin County**. Application received: May 9, 2022. For the operation of the Susquehanna Resource Management Complex. The facility's reported AIMS emissions for 2021 were 27.2 tons of CO, 206.1 tons of NO_x, 37.7 tons of SO_x, 8.4 tons of PM₁₀, 1.5 tons of VOCs, and 14.4 tons of HAPs. The Title V 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 applicability to the RACT 2 requirements of 25 Pa. Code § 129.97(f), 40 CFR Part 60, Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996, and 40 CFR Part 63, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

Notice of Intent to Issue Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

03-00197, Nature's Blend Wood Product, Inc., 717 First Avenue, Ford City, PA 16226, Ford City Borough, **Armstrong County**. Application received: November 22, 2021. The Department is providing notice they intend to renew a State Only Operating Permit for the manufacturing and surface coating of wood furniture components for the housing industry. The subject facility consists of miscellaneous natural gas usages, surface coating operations, and wood working operation. The facility's potential emissions are: 49.9 tpy VOC, 9.9 tpy HAP (individual), 15.0 tpy HAPs (total), 2.0 tpy NO_x, 1.7 tpy CO, and 18.8 tpy PM. The facility is a synthetic minor and is subject to State and Federal Regulations (40 CFR Part 63 Subpart JJ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

67-03027, Pretium Packaging, LLC, 1 Devco Drive, Manchester, PA 17345-1337, East Manchester Township, **York County**. Application received: October 12, 2022. For the operation of a plastic bottle manufacturing facility. Potential air emissions from the facility are estimated at less than 1.0 tpy of VOCs and 0.5 tpy hydrogen fluoride, which is a 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.

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

36-05121, Paradise Custom Kitchens Inc., 3333 Lincoln Highway East, Paradise, PA 17562, Paradise Township, **Lancaster County**. Application received: September 27, 2022. To issue a State Only Operating Permit for the custom kitchen manufacturing facility. The potential emissions from the facility are estimated at 4.47 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface coating processes.

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.

09-00059, St. Mary's Medical Center, 1201 Langhorne Newtown Road, Langhorne, PA 19047, Middletown Township, **Bucks County**. Application received: May 13, 2022. This general medical and surgical hospital's air emission sources consist of two boilers and four emergency generators. The Operating Permit has fuel restrictions in place for the facility to remain a synthetic minor facility for Nitrogen Oxide (NO_x). The NO_x emissions from these sources will not exceed 5.00 tons per year. The Operating Permit also contains testing, monitoring and recordkeeping requirements along with work practice standards designed to keep the sources and facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

PLAN APPROVALS

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Raymond Kempa, New Source Review Chief, 570-826-2507.

39-00112B, Trinity Glass International, Inc., 8014 Industrial Blvd, Breinigsville, PA 18032, Upper Macungie Township, **Lehigh County**. Application received: August 22, 2022. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Trinity Glass International Inc. (8014 Industrial Blvd, Breinigsville, PA 18032) for their facility located in Upper Macungie Twp., Lehigh County. Plan Approval No. 39-00112B will be converted into an initial Operating Permit at a later date.

Plan Approval No. 39-00112B is for the installation & operation of a new paint spray booth with panel filters to paint fiberglass and plastic doors. VOC emissions from the facility will be less than 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.04 grain/dscf. The company shall be subject to and comply with 25 Pa. Code Chapter 129.52 for VOC emission limits for coatings. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions will be controlled by the use of dry filters. All coatings will be low VOC contain coatings and will meet the coating VOC limits. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis and other documents used in the evaluation of

the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 39-00112A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**COAL & NONCOAL MINING
ACTIVITY APPLICATIONS**

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

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is

available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

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

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

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

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

Coal Applications

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

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 30733707. NPDES No. PA0215830. Consol Mining Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Monongahela Township, **Greene County**. To revise the permit and NPDES permit for installation of the Robena Flow Diversion pipeline and one new NPDES outfall, affecting the proposed 14.9 coal refuse disposal support acres. Receiving stream(s): Monongahela River, classified for the following use: WWF and Whiteley Creek, classified for the following use: WWF. Application received: September 30, 2022. Accepted: December 1, 2022.

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

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

Mining Permit No. 10120107. NPDES No. PA0259403. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, Donegal Township, **Butler County**. Revision to an existing bituminous surface mine to add 1.4 acres of support activities and delete 1.4 acres of unaffected acres. Application received: November 21, 2022.

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17110103. NPDES No. PA0257605. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, Girard Township, **Clearfield County**. Permit renewal application for a bituminous surface coal mine and associated NPDES permit affecting 257.0 acres. Receiving stream(s): Bald Hill Run classified for the following use(s): CWF. Application received: December 5, 2022. Accepted: December 6, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 40663034. NPDES Permit No. PA0225215. Hamra Carbon, LLC, P.O. Box 8, Millville, PA 17846, Foster Township, **Luzerne County**. Transfer of an anthracite surface mine and coal refuse reprocessing operation from Pagnotti Enterprises, Inc. affecting 347.3 acres. Receiving streams: Oley Creek, classified for the following uses: HQ-CWF, MF and Pond Creek, classified for the following use: HQ-CWF. Application received: December 8, 2022.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 31970301. NPDES No. PA0234583. U.S. Silicia Company, 12942 Oriskany Road, Mapleton Depot, PA 17042, Brady Township, **Huntingdon County**. NPDES renewal of an existing large industrial miner permit. Receiving streams: Mill Creek and Saddler Run classified for the following use: TSF. Application received: November 21, 2022.

Mining Permit No. 28900301. NPDES No. PA0595861. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202, Greene Township, **Franklin County**. NPDES renewal of an existing large industrial mineral permit. Receiving streams: unnamed tributary to Rock Spring Branch of Back Creek, a tributary to Conococheague Creek, a tributary to the Potomac River classified for the following use: TSF. Application received: November 21, 2022.

Mining Permit No. 31120801. NPDES No. PA0269131. Robert B. Colton, 11368 Old Town Road, Huntingdon, PA 16652, Miller Township, **Huntingdon County**. NPDES renewal of an existing large industrial mineral permit. Receiving streams: unnamed tributary to Standing Stone Creek classified for the following use: HQ-CWF. Application received: November 22, 2022.

Mining Permit No. 31020302. NPDES No. PA0249319. Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16802, Morris Township, **Huntingdon County**. NPDES renewal of an existing large industrial mineral permit affecting 182.1 acres. Receiving stream: unnamed tributary to Shaffers Run classified for the following uses: WWF & MF. Application received: December 7, 2022.

Mining Permit No. 28990301. NPDES No. PA0223981. T. Byers Contracting & Excavating, Inc., 850 Leitersburg Road, Greencastle, PA 17225, Antrim Township, **Franklin County**. Transfer of an existing large industrial mineral permit affecting 20.88 acres. Receiving stream: unnamed tributary to Muddy Run classified for the following uses: HQ-CWF. Application received: December 7, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 52110301. NPDES Permit No. PA0225118. Wayne D. Holbert, 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Lackawaxen Township, **Pike County**. Renew NPDES Permit on a quarry operation affecting 40.0 acres. Receiving stream: Delaware River and unnamed tributary to Lackawaxen River, classified for the following uses: WWF and HQ-CWF, MF. Application received: December 2, 2022.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (NPDES) permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities.

This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Effluent Limits for Coal Mining Activities

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

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

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

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

NPDES No. PA0215635. Mining Permit No. 10743701. ArceorMittal Pristine Resources, Inc., P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948, Clinton Township, **Butler County.** Renewal of an NPDES permit. Application received: November 28, 2022.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following treated wastewater outfalls discharge to unnamed tributaries to Lardintown Run.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
003	Existing	SWO	0.0204

The proposed effluent limits for the previously listed outfall are as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)				Report
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Total Dissolved Solids (mg/l)				Report
Sulfates (mg/l)				Report
Other: Phenols (mg/l)				Report
Alkalinity greater than acidity ¹				Report

¹ The parameter is applicable at all times.

Noncoal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

NPDES No. PA249190. Mining Permit No. 31020301. U.S. Silicia Company, 12942 Oriskany Road, Mapleton Depot, PA 17051, Brady Township, **Huntingdon County**. Renewal of an NPDES permit affecting 92.3 acres related to a noncoal mining activity permit. Receiving stream: Mill Creek classified for the following use: TSF. Application received: September 29, 2022.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following treated wastewater outfalls discharge to Mill Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001A	Existing	TFO	0.6 MGD
002A	Existing	TFO	0.6 MGD

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls 001 and 002 (All Discharges)</i>		<i>30-Day</i>	<i>Daily</i>	<i>Instant</i>
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (ml/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report

NPDES No. PA0595888. Mining Permit No. 5074SM. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Fannett Township, **Franklin County**. Renewal of NPDES permit affecting 40.25 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributary to Dry Run classified for the following use: CWF. Application received: October 27, 2022.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following treated wastewater outfalls discharge to unnamed tributary to Dry Run:

<i>Outfall Number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	SWO	Precipitation Induced
002	Existing	TFO	Intermittent
003	Existing	SWO	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls 001—003 (Dry Weather Discharges)</i>		<i>30-Day</i>	<i>Daily</i>	<i>Instant</i>
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (ml/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
<i>Outfalls 001 and 003 (10-yr/24-hr Precip. Event)</i>		<i>30-Day</i>	<i>Daily</i>	<i>Instant</i>
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0
<i>Outfalls 001 and 003 (>10-yr/24-hr Precip. Event)</i>		<i>30-Day</i>	<i>Daily</i>	<i>Instant</i>
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH (S.U.)	6.0	XXX	XXX	9.0

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of

the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section

401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

CORRECTION—previously published on December 10, 2022

E4129222-014. EQT ARO LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701, McNett Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: November 14, 2022.

Resubmitting due to second paragraph being omitted from first posting.

To construct, operate and maintain one (1) 290' x 475' stone natural gas well pad and approximately 3,831 linear foot access road off McIlwain Road in McNett Township, Lycoming County. Additional disturbance will occur to construct diversion and infiltration berms to control stormwater from the well pads and access roads as part of the PCSM Plan. The total disturbance area, which includes the stormwater management and E&S BMPs is 13.59 acres.

The project will result in a total of 16 LF (207 SF) of permanent and 16 LF (195 SF) of temporary stream impacts, 1,817 SF (0.0417 acre) of permanent and 314 SF (0.0072 acre) of temporary floodway impacts and 1,817 SF (0.0417 acre) of permanent and 630 SF (0.0145 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

Stream Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Pleasant Stream	McNett Grover	Access Road 64"x43" Pipe Arch CMP	HQ; EV	Wild	16	195	16	207	41.538571° 76.799236°
TOTAL IMPACTS					16	195	16	207	

Wetland Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Wetland 3	McNett Grover	Access Road	PEM; EV	Wild	63	375	64	1,666	41.537740° 76.798555°
Wetland 5	McNett Grover	Access Road	PEM; EV	Wild	20	184	6	17	41.538576° 76.799150°
Wetland 6	McNett Grover	Access Road	PEM; EV	Wild	10	71	10	94	41.538510° 76.799260°
TOTAL IMPACTS					93	630	80	1,777	

Floodway Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Pleasant Stream	McNett Grover	Access Road 64"x43" Pipe Arch CMP	16	195	16	207	41.538571° 76.799236°
TOTAL IMPACTS			16	195	16	207	

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

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

E5101222-015. Philadelphia Water Department, 1101 Market Street, 4th Floor, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District. Application received: October 3, 2022.

To restore, rehabilitate, and maintain approximately 1,780 LF eroded bed and banks of Tacony Creek (WWF-MF) from Roosevelt Boulevard to Whitaker Avenue, associated with the Tacony-Frankford Creek Stream Corridor Restoration. The project restoration will include engineered riffle, stabilize eroded banks including riprap toe protection, creating deep pool habitat, native plantings, protect infrastructures, recreational paths, combined sewer outfalls, sewer, and water lines, creating access path along the north side, etc. The site is located between Roosevelt Boulevard and Whitaker Avenue (Frankford, PA USGS Quadrangles) in the City of Philadelphia, Philadelphia County. Latitude: 40.025165°, Longitude: -75.112071°.

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>
PAD060003	Chapter 102 Individual NPDES Permit	Issued	East Penn Manufacturing Co. P.O. Box 147 Deka Road Lyon Station, PA 19536-0147	Richmond Township Berks County	SCRO
PAD060057	Chapter 102 Individual NPDES Permit	Issued	Grande Land LP 2213 Quarry Drive West Lawn, PA 19609-1167	Robesonia Borough Berks County	SCRO
PAD390245	Chapter 102 Individual NPDES Permit	Issued	Allentown Qoz Self-Storage, LLC 2901 Butterfield Road Oak Brook, IL 60523-1106	Allentown City Lehigh County	NERO
PAD450031	Chapter 102 Individual NPDES Permit	Issued	Hardrock Trucking & Excav, LLC HC 1 Box 519 Brodheads ville, PA 18322-9628	Hamilton Township Monroe County	NERO
PAD480174	Chapter 102 Individual NPDES Permit	Issued	Wind Drift Real Estate Association 179 Mikron Road Bethlehem, PA 18020-9476	Bethlehem Township Northampton County	NERO
PAD510211	Chapter 102 Individual NPDES Permit	Issued	NP Whitaker Ave Ind, LLC 4825 NW 41st Street Riverside, MO 64150-7803	Philadelphia City Philadelphia County	SERO
PAD510217	Chapter 102 Individual NPDES Permit	Issued	Philadelphia Energy Solutions Refinery & Marketing, LLC 3144 W Passyunk Avenue Philadelphia, PA 19145-5208	Philadelphia City Philadelphia County	SERO
PA0244970	Industrial Stormwater Individual NPDES Permit	Issued	DSM Biomed 735 Pennsylvania Drive Exton, PA 19341-1130	Upper Uwchlan Township Chester County	SERO
1113800	Joint DEP/PFBC Pesticides Permit	Issued	Ebensburg Borough Cambria County 300 W High Street Ebensburg, PA 15931	Ebensburg Borough Cambria County	SWRO
2613800	Joint DEP/PFBC Pesticides Permit	Issued	Nemacolin Woodlands, Inc. 1001 Lafayette Drive Farmington, PA 15437-9754	Wharton Township Fayette County	SWRO
2620801	Joint DEP/PFBC Pesticides Permit	Issued	Scullion Cheryl 9703 Guildford Drive Allison Park, PA 15101-1734	Saltlick Township Fayette County	SWRO
6514800	Joint DEP/PFBC Pesticides Permit	Issued	Seward Prosser Mellon P.O. Box K Ligonier, PA 15658	Ligonier Township Westmoreland County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3670415	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Ridgewood Manor MHC, LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Rapho Township Lancaster County	SCRO
PAI132215	MS4 Individual NPDES Permit	Issued	Bath Borough Northampton County 121 S Walnut Street Bath, PA 18014-1020	Bath Borough Northampton County	NERO
PAI132223	MS4 Individual NPDES Permit	Issued	Hellertown Borough Northampton County 685 Main Street Hellertown, PA 18055-1745	Hellertown Borough Northampton County	NERO
4909406	Major Sewage Treatment Facility Individual WQM Permit	Issued	Shamokin & Coal Township Joint Sewer Authority Northumberland County 114 Bridge Street Shamokin, PA 17872-7690	Ralpho Township Northumberland County	NCRO
PA0057479	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Rhoads Ind, Inc. 1900 Kitty Hawk Avenue Suite 108 East Philadelphia, PA 19112	Philadelphia City Philadelphia County	SERO
PA0204897	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Allegheny County Port Authority Heinz 57 Center 3rd Floor 345 Sixth Avenue Pittsburgh, PA 15222-2527	Collier Township Allegheny County	SWRO
PA0210617	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	NMDS 4971 Lot Management Co., LLC P.O. Box 8152 New Castle, PA 16107-8152	Mahoning Township Lawrence County	NWRO
PA0263834	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lake Lucy Sewer Authority 1560 Lake Lucy Road Tionesta, PA 16353-2412	Washington Township Clarion County	NWRO
PA0036595	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Basalt Trap Rock, LLC P.O. Box 653 Stevensville, MD 21666-0653	Morgan Township Greene County	SWRO
PA0062201	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Schuylkill County Municipal Authority 221 S Centre Street Pottsville, PA 17901-3506	Gordon Borough Schuylkill County	NERO
PA0208922	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Woodward Township Sewer & Water Authority Clearfield County P.O. Box 6 131 Punkin Hollow Drive Houtzdale, PA 16651-0006	Woodward Township Clearfield County	NCRO
1189201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Ebensburg Power Co. P.O. Box 845 Ebensburg, PA 15931-0845	Cambria Township Cambria County	SWRO

NOTICES

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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>
1086406	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Jones Estates Baxters PA, LLC 2310 S Miami Boulevard Durham, NC 27703-5798	Center Township Butler County	NWRO
1171403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Cambria Township Sewer Authority Cambria County P.O. Box 247 Revloc, PA 15948-0247	Cambria Township Cambria County	SWRO
1679401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Lake Lucy Sewer Authority 1560 Lake Lucy Road Tionesta, PA 16353-2412	Washington Township Clarion County	NWRO
2101409	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	West Pennsboro Township Municipal Authority Cumberland County 2150 Newville Road Carlisle, PA 17015-7747	West Pennsboro Township Cumberland County	SCRO
0365S36	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	NMDS 4971 Lot Management Co., LLC P.O. Box 8152 New Castle, PA 16107-8152	Mahoning Township Lawrence County	NWRO
PAG036200	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Michael Bros Mt Pleasant, LLC 901 Horning Road Pittsburgh, PA 15236-2833	East Huntingdon Township Westmoreland County	SWRO
PAG042211	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Bujnowski Alison 6005 Woodlawn Drive Zionsville, PA 18092-2370	Upper Milford Township Lehigh County	NERO
PAG049334	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Bret and Meagan Yost 3120 Norcross Road Erie, PA 16510-4214	Harborcreek Township Erie County	NWRO
PAG132283	PAG-13 NPDES General Permit for MS4s	Waived	East Penn Township Carbon County 167 Municipal Road Leighton, PA 18235	East Penn Township Carbon County	NERO
PAG136119	PAG-13 NPDES General Permit for MS4s	Waived	Paint Borough Somerset County 119 Hoffman Avenue Windber, PA 15963-2358	Paint Township Somerset County	SWRO
PAG136352	PAG-13 NPDES General Permit for MS4s	Waived	Paint Township Somerset County 1741 Basin Drive Windber, PA 15963-6801	Paint Township Somerset County	SWRO
PA0272639	Single Residence STP Individual NPDES Permit	Issued	Gayle Marco and Lawrence Scanlon and Madeline Scanlon 110 Shadow Lane Coraopolis, PA 15108-1140	Springfield Township Erie County	NWRO
PA0291102	Single Residence STP Individual NPDES Permit	Issued	Nancy and Richard Miller 292 Donation Road Greenville, PA 16125-8008	South Shenango 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>
PA0291170	Single Residence STP Individual NPDES Permit	Issued	Gerdy Mark 8105 Short Leaf Pine Circle Greenville, SC 29609-1365	Salem Township Mercer County	NWRO
2022411	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Nancy and Richard Miller 292 Donation Road Greenville, PA 16125-8008	South Shenango Township Crawford County	NWRO
3904403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Bujnowski Alison 6005 Woodlawn Drive Zionsville, PA 18092-2370	Upper Milford Township Lehigh County	NERO
4217407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Sutherland Michael J 469 Indian Crk Eldred, PA 16731-4011	Eldred Township McKean County	NWRO
4322407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Gerdy Mark 8105 Short Leaf Pine Circle Greenville, SC 29609-1365	Salem Township Mercer County	NWRO
5622402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Indian Lake Borough Somerset County 7785 Lincoln Highway Central City, PA 15926-7500	Indian Lake Borough Somerset County	SWRO
WQG02462208	WQG-02 WQM General Permit	Issued	Riverplace Ho Inc. 601 E Elm Street Conshohocken, PA 19428-1914	Conshohocken Borough Montgomery County	SERO

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>
PAC540013	PAG-02 General Permit	Issued	Mr. Jason Kostura, CACL Federal Credit Union 1800 West Market Street Pottsville, PA 17901	North Manheim Township Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@pa.gov
PAC230223	PAG-02 General Permit	Issued	Alliance 4800 Chichester LLC 40 Morris Avenue Suite 230 Bryn Mawr, PA 19010	Upper Chichester Township Delaware County	Delaware County Conservation District 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@pa.gov
PAC150319	PAG-02 General Permit	Issued	Westtown Township 1039 Wilmington Pike West Chester, PA 19382	Westtown Township Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090548	PAG-02 General Permit	Issued	RG, LLC 411 Belle Lane Harleysville, PA 18964	Hilltown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC090455 A-1	PAG-02 General Permit	Issued	PSIP Phyllis Drive, LLC 75 Isham Road 4th Floor West Hartford, CT 06107-2235	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC090565	PAG-02 General Permit	Issued	BCCI Levittown, LLC 4121 Oregon Pike Brownstown, PA 17602-5083	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5500 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC200089	PAG-02 General Permit	Issued	Carter Lumber 601 Tallmadge Road Kent, OH 44240	Sadsbury Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PA100004C	PAG-02 General Permit	Issued	Stream Restoration, Inc 434 Spring Street Ext Mars, PA 16046	Washington Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250174	PAG-02 General Permit	Issued	Mr. Doug Moyer 5947 Knoyle Road Erie, PA 16510	Greene Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC010085 A-2	PAG-02 General Permit	Issued	Conewago Valley School District 130 Berlin Road New Oxford, PA 17350	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636 ext. 3044 RA-EPSCWWPABULL@ pa.gov
PAC670145	PAG-02 General Permit	Issued	Kinsley Equities III LP Mike Jeffers 6259 Reynolds Mill Road Seven Valleys, PA 17360	North Codorus Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 RA-EPSCWWPABULL@ pa.gov

Permit Number	Permit Type	Action Taken	Applicant Name & Address	Municipality, County	Office
PAC480156	PAG-02 General Permit	Issued	Lehigh Valley Underground 4136 Bethman Road Easton, PA 18045	Bethlehem Township Northampton County	Northampton County Conservation District 14 Gracedale Avenue Greystone Building Nazareth, PA 18064 610-829-6276 RA-EPWW-NERO@ pa.gov

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Contact: Terri Yench, Clerical Assistant 2, 570-830-3048.

Operation Permit No. 2451203, Public Water Supply.

Applicant	109 Realty, LLC
Address	P.O. Box 164 Mt. Pocono, PA 18344
Municipality	Tobyhanna Township

County	Monroe County
Consulting Engineer	Daniel Schaffer 109 Realty, LLC P.O. Box 164 Mt. Pocono, PA 18344
Application Received	July 5, 2022
Permit Issued	December 8, 2022
Description	Permit Transfer Operation Permit No. 2450063, Public Water Supply.
Applicant	Pennsylvania American Water Company
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Mount Pocono Borough
County	Monroe County
Consulting Engineer	Ralph R. Wawrzyniakowski, EIT Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Application Received	November 4, 2022
Permit Issued	November 4, 2022
Description	Pine Hill tank rehabilitation project.

Actions Taken 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: Thomas Filip, Environmental Engineer, 717-705-4708.

Construction Permit 0122509. PWSID No. **7010965.** **Weis Markets, Inc.**, 1000 South Second Street, Sunbury, PA 17801, Hamilton Township, **Adams County.** Application received: June 9, 2022. Permit Issued: December 6, 2022. Store # 200—Installation of anion exchange nitrate removal treatment.

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

Transfer Permit 7210001. PWSID No. **7210001.** **Creek View 55+ Community, LLC**, 125 Glenridge Drive, Carlisle, PA 17015, Upper Frankford Township, **Cumberland County.** Application received: October 17, 2022. Permit Issued: December 6, 2022. Transfer of Creek View 55+ Community Water System from Justin Neidlinger to Nicholas Fanelli.

Operation Permit 6721515 MA. PWSID No. **7670100.** **The York Water Company**, 130 East Market Street,

York, PA 17401, York Township, **York County**. Application received: November 21, 2022. Permit Issued: December 6, 2022. Partial-operation permit for the operation of the Spry Tank after repainting.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Carrie Wilt, Sewage Planning Specialist II, 717-705-4755.

Plan Location:

Municipality	Address	County
Hamiltonban Township	P.O. Box 526 Fairfield, PA 17320	Adams County

Plan Description:

335 Swamp Creek Lane, DEP Code No. A3-01918-217-3s. Approval of a revision to the official plan of Hamiltonban Township, **Adams County**. The project is known as 335 Swamp Creek Lane. The plan provides for a one-lot religious institutional development on 16.12 acres with total estimated sewage flows of 1,900 gpd to be treated by a small flow treatment facility. Treatment will consist of septic tanks, secondary treatment to include denitrification, UV disinfection and final disposal to drip micromounds. The proposed development is located at 335 Swamp Creek Lane in Hamiltonban Township, Adams County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-01918-217-3s and the APS ID is 1072760. Any permits must be obtained in the name of the property owner.

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 reme-

dial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

K. Benedikt Pad 1, Primary Facility ID # **857544**, 1767 Chenango Street, Montrose, PA 18801, Bridgewater Township, **Susquehanna County**. Folsom Engineering, 4361 State Route 87, Mehoopany, PA 18629, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with diesel-based drilling mud. The Final Report did not demonstrate attainment of the Statewide health and background standards. Disapproved: December 8, 2022.

Lower Mount Bethel Steam Electric Station, Primary Facility ID # **859843**, 6079 Depues Ferry Road, Bangor, PA 18013, Lower Mount Bethel Township, **Northampton County**. VF Britton Group, 326 Conestoga Road, Wayne, PA 19087, on behalf of Talen Energy, 6079 Depues Ferry Road, Bangor, PA 18013, submitted a Final Report concerning remediation of soil contaminated with sodium hypochlorite. The Final Report demonstrated attainment of the background standards. Approved: December 9, 2022.

Yarasavage Well Pad, Primary Facility ID # **762556**, 139 Keiserville Road, Tunkhannock, PA 18657, Washington Township, **Wyoming County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Callon (Marcellus) LLC, 200 West Sam Houston Parkway South, Suite 2000, Houston, TX 77077, submitted a Final Report concerning remediation of soil and groundwater contaminated with frac flowback fluid (brine) that was released as the result when a driller lost control of a natural gas well. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: December 12, 2022.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

300 North Christopher Columbus Boulevard, Primary Facility ID # **844494**, 300 North Columbus Boulevard, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**. Michael Potts, Terraphase, Engineering Inc., 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08549, on behalf of Julia Limongello, 300 Columbus, LLC, One Bryant Park, New York, NY 10036, submitted a Final Report concerning remediation of soil contaminated with naphthalene. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: November 18, 2022.

Waterside Development—Parcel B, Primary Facility ID # **620175**, 2215 State Road, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Jeffrey K. Walsh, PG, Penn E&R, Inc., 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of Daniel Stewart, US Home Corporation, d/b/a Lennar, 1285 Drummers Lane, Suite 100, Wayne, PA 19087, submitted a Final Report concerning remediation of soil contaminated with lead. The Final Report demonstrated attainment of the site-specific standards. Approved: November 10, 2022.

Ambler Lakeview Development, Primary Facility ID # **860227**, 5-9 West Maple Street, Ambler, PA 19002, Borough of Ambler/Upper Dublin Township, **Montgomery County**. Walter H. Hungarter, III, PE, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of John Zaharchuk, Ambler Lakeview Development, LP, 10 South Maple Avenue, Ambler, PA 19002, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with arsenic and thallium. The Report demonstrated attainment of the site-specific standards. Approved: November 15, 2022.

West Chester Recycling, Primary Facility ID # **838426**, 225 South Worthington Street, West Chester, PA 19382, West Chester Borough, **Chester County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Jim Speers, A Greener Tomorrow dba West Chester Recycling, 225 South Worthington Street, West Chester, PA 19380, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with metals, VOCs, PAHs, PCBs. The Report demonstrated attainment of the site-specific standards. Approved: November 16, 2022.

Romill Associates, LP, Primary Facility ID # **838426**, 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 Remedial Investigation Report concerning remediation of soil and groundwater contaminated with benzene, methyl tertiary butyl ether (MTBE), tetrachloroethene (PCE), and trichloroethene (TCE). The Report demonstrated attainment of the site-specific standards. Approved: November 16, 2022.

Existing Farm Property/Proposed Residential Development, Primary Facility ID # **861170**, 545 Folly Road, Chalfont, PA 18914, Warrington Township, **Bucks County**. Jeffrey T. Bauer, PG, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on

behalf of Joseph DeLuca, Jr., DeLuca Warrington, LLC, 370 East Maple Avenue, Suite 101, Langhorne, PA 19047, submitted a Final Report concerning remediation of soil contaminated with lead gasoline, arsenic and diesel fuel. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 21, 2022.

137 Wallace Avenue Site, Primary Facility ID # **854225**, 137 Wallace Avenue, Downingtown, PA 19335, Downingtown Borough, **Chester County**. Paul White, PG, Brickhouse Environmental, 515 South Franklin Street, Suite D-1, West Chester, PA 19382, on behalf of Cheol C. Sihn, 50 Dimas Court, Harrington, NJ 07640, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of groundwater contaminated with VOCs. The Report did not demonstrate attainment of the site-specific standards. Disapproved: November 23, 2022.

16 Wolf Street LLC Site, Primary Facility ID # **843245**, 16 Wolf Street, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. David Schantz, Jr., PG, Aquaterra Technologies, Inc., 908 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Loretta Mitsos, 16 Wolf Street, LLC, 2825 South Warnock Street, Philadelphia, PA 19148, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with lead. The Report demonstrated attainment of the site-specific standards. Approved: November 22, 2022.

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.

Environmental Transport Group, Inc., P.O. Box 296, Flanders, NJ 07836. **License No. PA-AH 0104**. Application received: November 10, 2022. Effective December 9, 2022.

Vickery Transportation, Inc., 3956 State Route 412, Vickery, OH 43464. **License No. PA-AH 0698**. Application received: December 8, 2022. Effective December 8, 2022.

Laidlaw Carriers Van GP, Inc., 1179 Ridgeway Road, Woodstock, ON N4S 0A9. **License No. PA-AH 0714**. Application received: November 10, 2022. Effective December 9, 2022.

R&J Trucking, Inc., 8063 Southern Blvd., Youngstown, OH 44512. **License No. PA-AH 0880**. Application received: November 10, 2022. Effective December 8, 2022.

Ace Environmental Holdings, LLC, 4420 East Eager Street, Baltimore, MD 21205. **License No. PA-AH 0882**. Application received: November 28, 2022. Effective December 9, 2022.

Transporter License Voluntarily Terminated

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Providence Environmental Concepts and Services, LLC, 312 Sharpe Road, Columbia, SC 29203. **License No. PA-AH 0739**. Application received: November 16, 2022. Effective November 16, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

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

WMGM043NW002. McJunkin Rolloffs, Inc., 2064 Perry Highway, Fredonia, PA 16124, Fairview Township, **Mercer County**. This general permit authorizes the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials. Application received: June 1, 2022. Renewal issued: December 8, 2022.

Persons interested in reviewing the permit may contact Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGM043NW007. Atkinson Roll-Off Sanitation, 289 Lairds Crossing Road, Worthington, PA 16262, West Franklin Township, **Armstrong County**. This general permit authorizes the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials. Application received: July 13, 2022. Renewal issued: December 8, 2022.

Persons interested in reviewing the permit may contact Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGM043NW006. Fox and Sons Excavating, LLC, 230 North Main Street, Clarendon, PA 16313, Clarendon Borough, **Warren County**. This general permit authorizes the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials. Application received: June 3, 2022. Renewal issued: December 8, 2022.

Persons interested in reviewing the permit may contact Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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

Contact: Anthony L. Rathfon, Program Manager.

WMGM042SC015. Brubaker Farms, LLC, 493 Musser Road, Mount Joy, PA 17552, East Donegal Township, **Lancaster County**. This general permit authorizes the anaerobic digestion of animal manure on a farm mixed with grease trap waste and/or pre- and post-consumer food waste from commercial and institutional establishments, or industrial food manufacturing operations; and the use of a de-packaging unit(s) to mechanically separate the pre- and post-consumer food waste from its packaging, prior to anaerobic digestion. It also authorizes the beneficial use of the methane gas produced by the anaerobic digestion as fuel, including the production of electricity; the use of the waste solids from the digester as animal bedding material at the farm; and the liquid and solids removed from the digester as a soil additive for agricultural purposes. Application received: September 20, 2022. Issued: December 12, 2022.

Persons interested in reviewing the permit may contact John L. Oren, P.E., Permits Chief, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

Contact: Anthony Rathfon, Program Manager.

WMGM043SC001. Chambersburg Waste Paper Company, Inc., 2047 Loop Road, Chambersburg, PA 17201, Guilford Township, **Franklin County**. The Department has issued a renewal of General Permit No. WMGM043SC0001 to Chambersburg Waste Paper Company, Inc. This general permit authorizes the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials via sorting, screening, and/or shredding of unpainted and untreated natural wood waste prior to delivery to a permitted processing or recycling facility; processing by sorting, screening, and/or crushing of stone, brick, block, and concrete prior to delivery to a permitted processing or recycling facility; or processing by sorting and screening prior to delivery to a permitted processing or recycling facility of cardboard, gypsum board, asphalt shingles, particle board, plastic, scrap metal, and glass. Application received: August 3, 2022. Renewed: December 8, 2022.

Persons interested in reviewing the permit may contact John Oren, P.E., Permits Chief, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

Southeast Region: Waste Management Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Mohamad Mazid, Chief, Technical Services, Phone Number 484-250-5768.

WMGM043SE002. Doylestown Waste Recycling, LLC, 1510 Swamp Road, Fountainville, PA 18923, New

Britain Township, **Bucks County**. This application is for the renewal of the Determination of Applicability (DOA) coverage under the conditions defined within General Permit No. WMGM043 for the processing of construction and demolition waste for recycling at Doylestown Waste Recycling Application received: May 25, 2022. Renewed: December 7, 2022.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, 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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Waste Management Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Mohamad Mazid, Chief, Technical Services, Phone Number 484-250-5768.

301352. Petroleum Recycling Corporation, 3000 E. Ontario Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. This major permit modification approves the following modifications: (1) increase the maximum daily volume of liquid waste accepted at the facility from 100,000 to 180,000 gallons per day, (2) change the waste acceptance hours, and (3) construct a second concrete unloading pad with a four-inch-high containment berm at Petroleum Recycling Corporation (PRC) Waste Oil Processing Facility. Application received: August 26, 2021. Issued: December 7, 2022.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, 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

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

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

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

67-03187A: Penn Mar Recycling Co., Inc., 14 Onion Blvd., Shrewsbury, PA 17361, Shrewsbury Borough, **York County**. For the installation of a United Group AS-1000 aluminum sweat furnace at the facility. The plan approval was extended. Application received: November 16, 2022. Issued: December 7, 2022.

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

06-05034A: Texas Eastern Transmission/Bechtelsville, 467 Forgedale Road, Barto, PA 19504, Washington Township, **Berks County**. For the construction of two (2) new natural gas-fired simple cycle turbines at the Bechtelsville Compressor Station. These new turbines will replace four (4) turbines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current Leroi emergency generator (Source ID 105) with a Waukesha VGF24GL 585 bhp, natural gas, emergency generator. The project will also include the installation of five (5) natural gas fired heaters (one (1) 0.050 MMBtu/hr heat input unit, two (2) 0.105 MMBtu/hr heat input units and two (2) 1.154 MMBtu/hr heat input units), five (5) separator vessels (two (2) 83-gallon separator vessels, two (2) 33-gallon separator vessels, and one (1) 185-gallon vessel), one (1) 1,880 gallon pipeline liquids tank, one (1) 3,550 gallon oil tank and one (1) 12,690 gallon oily water tank. The plan approval was extended. Application received: November 14, 2022. Issued: December 8, 2022.

34-05002B: Texas Eastern Transmission/Perulack, 3318 Pumping Station Road, East Waterford, PA 17021, Lack Township, **Juniata County**. For the construction of two (2) new Solar Titan 130, 18,100 HP, natural gas-fired, simple cycle turbines at the Perulack Compressor Station. These new turbines will replace four (4) of the existing natural gas-fired, turbines (Source IDs 034—037). The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current Waukesha 600 bhp emergency generator (Source ID 040) and Leroi 600 bhp emergency generator (Source ID 041) with Waukesha, VGF24GL, 585 bhp and Waukesha, VGF36GL, 880 bhp natural gas, emergency generators. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.154 MMBtu/hr heat input, one (1) 1,880 gallon pipeline liquids tank, one (1) 3,550 gallon oil tank, one (1) 12,690 gallon oily water tank, one (1) truck loading source for pipeline liquids, one (1) truck loading source for used oil, one (1) truck loading source for oily water and five (5) separator vessels (two (2) 33 gallon vessels, (2) 83 gallon vessels and one (1) 185 gallon vessels) associated with the blowdown separators. The plan approval was extended. Application received: November 14, 2022. Issued: December 8, 2022.

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.

09-0210B: Waste Management of Fairless, LLC, 1000 New Ford Mill Rd, Morrisville, PA 19067-3704, Falls Township, **Bucks County**. Extension of Plan Approval for the operation and shakedown of three (3), 6,000 SCFM ultra low emission flares to combust the landfill gas collected from GROWS, GROWS North, and Fairless Landfills. Application received: October 31, 2022. Issued: December 3, 2022.

15-0081D: Johnson Matthey Inc., 1401 King Rd., West Chester, PA 19380, West Whiteland Township, **Chester County**. For the modification of existing plan approval emission limits and control efficiency require-

ments for hydrochloric acid (HCl) and nitric acid (HNO₃) emissions from two (2) existing Vertical Wet Scrubbers (Nitric Scrubbers) at their precious metals processing facility. Application received: November 7, 2022. Issued: December 9, 2022.

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.

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

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

25-00987: Hanes Erie, Inc., 7601 Klier Drive, Fairview, PA 16415, Fairview Township, **Erie County**. The Department issued the renewal of a State Only Operating Permit to Hanes Erie, Inc., for the facility. The facility is a Natural Minor. The primary sources at the facility are 14 paint spray booth lines, 4 natural gas fueled heaters rated at 825,000 Btu/hour each, and one natural gas fueled emergency generator. Potential emissions are as follows: 45 tpy VOC; 9.9 tpy any single HAP; 24.9 tpy all HAPs combined; 2.1 tpy NO_x; and 1.77 tpy CO. The permit renewal contains emission restrictions, reporting, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: November 30, 2021. Renewal issued: December 6, 2022.

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

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

38-03066: Georgia Pacific Corrugated, LLC, 122 Bordnersville Road, Jonestown, PA 17038, Union Township, **Lebanon County**. For the recyclable mailer production lines. Application received: June 16, 2022. Issued: December 6, 2022.

36-03095: New Enterprise Stone & Lime Co., Inc., 3580 Division Highway, East Earl, PA 17519-9217, Caernarvon Township, **Lancaster County**. For the clay mining and processing plant. The State-Only permit was renewed. Application received: March 31, 2022. Issued: December 6, 2022.

38-03007: Evans Eagle Burial Vaults, Inc., 15 Graybill Road, Leola, PA 17540, Heidelberg Township, **Lebanon County**. For operation of three human crematories controlled by afterburners at the facility. The State-Only permit was renewed. Application received: July 12, 2022. Issued: December 6, 2022.

38-05004: Kountry Kraft, Inc., 291 S. Sheridan Road, Newmanstown, PA 17073-9192, Millcreek Township, **Lebanon County**. For the wood kitchen cabinet manufacturing facility. The State-Only permit was renewed. Application received: July 20, 2022. Issued: December 6, 2022.

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.

63-00994: Hydro Recovery, LP, 572 State Route 18, Burgettstown, PA 15021, Hanover Township, **Washington County**. The Department issued a renewed natural minor State-Only Operating Permit for the continued operation of an oil and gas wastewater treatment facility located in Hanover Township, Washington County. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The air quality Operating Permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and recordkeeping requirements for the site. Application received: January 10, 2022. Issued: December 6, 2022.

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.

53-00009: Morgan Advanced Materials & Technology, Inc., 11118 East 2nd Street, Coudersport, PA 16915, Eulalia Township, **Potter County**. Permittee was issued a revised State Only (Synthetic Minor) Operating Permit to revise the Responsible Official in the State Only Operating Permit for the Coudersport Plant. Application received: November 18, 2022. Revised: December 7, 2022.

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

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

Contact: David Balog, New Source Review Chief, 814-332-6940.

20-00130: Meadville Forging Company, 15309 Baldwin Street Extension, Meadville, PA 16335, City of Meadville, **Crawford County**.

The De minimis emission increase is for the proposed construction of a Wheelabrator with Dust Collection. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the De minimis emission increases since the Operating Permit issuance on November 28, 2018.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
12-7-22	Wheelabrator with Dust Collection	0.239				
Total Reported Increases		0.239				

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

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.

67-03043: Envirite of Pennsylvania, Inc., 730 Vogel-song Road, York, PA 17404-6707, City of York, **York County**. For its facility in York City. The De Minimis emission increase results from the proposed installation of a RUNI machine to automate a portion of the facility's waste consolidation process. The Department hereby approves the De Minimis emission increase. The following is a list of the De Minimis emission increases as required by 25 Pa. Code § 127.449(i). There have been no De Minimis emission increases at the facility since their natural minor Operating Permit issuance on December 4th, 2018. The expected emission increase from this project is 0.33 tpy VOC.

Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

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

20-00296: Homerwood Hardwood Flooring, 1021 Industrial Park, Titusville, PA 16354, City of Titusville, **Crawford County**. The Synthetic Minor State Only Operating Permit was revoked for the facility. This Permit was revoked because the facility is no longer operational. Application received: November 23, 2022. Revoked: December 2, 2022.

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

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

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17020103. NPDES No. PA0243221. RES Coal, LLC, 51 Airport Road, Clearfield, PA 16830, Chest & Ferguson Townships, **Clearfield County**. Renewal of a mining permit and NPDES permit for continued operation and restoration of a bituminous surface coal mine affecting 560.7 acres. Receiving stream(s): Wilson Run and McMasters Run classified for the following use(s): CWF. Application received: August 2, 2022. Accepted: August 5, 2022. Issued: December 6, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. GP12 Permit No. GP12-40763204. Northampton Fuel Supply Co., Inc., 1 Horwith Drive, Northampton, PA 18067, Newport Township, **Luzerne County**. General Operating Permit to operate a coal preparation plant on Surface Mining Permit No. 40763204. Application received: October 7, 2022. Coverage issued: December 8, 2022.

Mining Permit No. 54830101. Premium Fine Coal, Inc., P.O. Box 268, Tamaqua, PA 18252, Blythe Township, **Schuylkill County**. Renewal of an anthracite surface mine and coal refuse disposal operation affecting 152.1 acres. Receiving stream: Schuylkill River. Application received: February 13, 2019. Renewal issued: December 9, 2022.

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

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

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8101.

Permit No. 41224102. M3 Explosives, LLC, P.O. Box 615, 815 Reading Road, Bowmansville, PA 17507, Gamble Township, **Lycoming County**. Blasting for Commercial Development. Application received: December 6, 2022. Expiration date: December 6, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 35224112. Maurer & Scott Sales, Inc., 122 Thomas Street, Coopersburg, PA 18036, Jessup Borough, **Lackawanna County**. Construction blasting for

Valley View Business Park. Application received: December 6, 2022. Permit issued: December 6, 2022. Expiration date: December 6, 2023.

Permit No. 06224112. J Roy's, Inc., P.O. Box 125, Bowmansville, PA 17507, South Heidelberg Township, **Berks County.** Construction blasting for S G America Lot 8. Application received: November 30, 2022. Permit issued: December 7, 2022. Expiration date: December 1, 2023.

Permit No. 22224106. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, MA 04345, Derry Township, **Dauphin County.** Construction blasting for Project Sunday. Application received: November 30, 2022. Permit issued: December 7, 2022. Expiration date: November 30, 2023.

Permit No. 58224002. Mike Kipar, 6005 SR 267, Meshoppen, PA 18630, Harmony Township, **Susquehanna County.** Construction blasting for Stevens Point Reclaim. Application received: November 18, 2022. Permit issued: December 7, 2022. Expiration date: December 31, 2023.

Permit No. 36224147. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Earl Township, **Lancaster County.** Construction blasting for Jason Martin dwelling. Application received: December 12, 2022. Permit issued: December 12, 2022. Expiration date: March 30, 2023.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

E5829222-006. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Rush Township, **Susquehanna County.** U.S. Army Corps of Engineers Baltimore District. Application received: July 18, 2022. Issued: December 12, 2022.

To construct, operate, and maintain:

1. a temporary workspace along access road impacting 436 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Lat. 41.765114°, Long. -76.039342°);
2. a cover conversion along access road impacting 1,350 square feet (0.03 acre) of palustrine forested wetland (PFO) (Lawton, PA Quadrangle; Lat. 41.765196°, Long. -76.039007°);
3. a permanent access road impacting 14,418 square feet (0.33 acre) of palustrine forested wetland (PFO) (Lawton, PA Quadrangle; Lat. 41.765093°, Long. -76.038823°);
4. a temporary impact from restoration/mitigation activities impacting 436 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Lat. 41.765109°, Long. -76.039337°);
5. a temporary impact from restoration/mitigation activities impacting 131 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Lat. 41.765143°, Long. -76.039342°).

The LRJ SUS Pad, located in Rush Township, Susquehanna County, seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. Prior unauthorized impacts resulted in 0.02 acre (1,003 square feet) of temporary PEM wetland impacts and 0.36 acre (15,768 square feet) of permanent PFO wetland impacts. Wetland restoration activities will result in 0.04 acre of on-site mitigation and 2.38 acres of off-site wetland mitigation at "Camp Brook Restoration Site," managed by RES, to restore and mitigate for unauthorized activities at the unconventional gas well site and associated infrastructure.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E0603222-002. Berks County, 633 Court St., 14th Floor, Reading, PA 19601, Kutztown Borough, **Berks County**. U.S. Army Corps of Engineers Philadelphia District.

Applicant proposes to remove the existing superstructure and to install and maintain a 74 foot x 44 foot 2-span bridge over Sacony Creek (TSF, MF) with R-8 chocked with R-4 scour protection permanently impacting 85 feet of stream channel and temporarily impacting 47 feet of stream channel for the purpose of improving transportation safety. No wetland impacts are proposed or authorized. Latitude: 40.5206°, Longitude: -75.7777°. Application received: February 14, 2022. Issued: December 7, 2022.

CORRECTION—previously published on December 3, 2022.

E3603222-008. West Cocalico Township Authority, 156B West Main Street, P.O. Box 95, Reinholds, PA 117569-009, West Cocalico Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

Applicant proposes to demolish and remove an existing wastewater treatment plant impacting 17,246 square feet of the 100-year FEMA mapped floodplain of the Little Cocalico Creek (TSF, MF). The project is located directly north of the intersection of Creamery Road (T989) and the tracks of the East Penn Railroad. The proposed floodplain impacts do not include any impacts to wetlands. Latitude: 40.2638°, Longitude: -76.1197°. Application received: July 12, 2022. Issued: November 15, 2022.

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

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

E1501222-006. PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, East Pikeland Township and Schuylkill Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain approximately 279 linear feet of 12-inch diameter steel gas main and approximately 97 linear feet of 8-inch diameter steel gas main via open cut trench along Valley Forge and Schuylkill Roads along the floodway of French Creek (TSF, MF). There will be no impacts to streams and wetlands. The site is located along Valley Forge and Schuylkill Roads (Phoenixville, PA USGS Map) in East Pikeland and Schuylkill Townships, Chester County. Latitude: 40.134799°, Longitude: -75.541398°. Application received: March 23, 2022. Issued: December 6, 2022.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

EA3603222-003. Donegal Chapter Trout Unlimited, P.O. Box 8001, Lancaster, PA 17604, Fulton Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

Applicant proposes to construct and maintain 3,840 linear feet of stream restoration of Little Conowingo Creek and 600 linear feet of Conowingo Creek by use of

68 rock deflectors, 20 mud sills totaling 735 linear feet, 2 rock cross vanes, 20 boulder walls totaling 923 linear feet, and 14 acres of floodplain bench creation totaling 0.61 acre, located adjacent to Goat Hill Road, all for the purpose of stream restoration and fish habitat improvements. This project also involves construction and maintenance of four (4) agricultural crossings covered under GP063603222-005. Wetlands are present on site but will not be impacted by the project. Latitude: 39.7621°, Longitude: -77.1657°. Application received: April 29, 2022. Issued: December 7, 2022.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOPRG@pa.gov.

ESCGP # 3 ESG290820033-01

Applicant Name **Appalachia Midstream Services, LLC**
Contact Person Barry Mahar
Address 30351 Route 6
City, State, Zip Wysox, PA 18854
Township(s) Monroe Township and Overton Township
County **Bradford County**
Receiving Stream(s) and Classification(s) Millstone Creek (MF), Tributary 30343 to Millstone Creek (MF), UNT to Millstone Creek (MF)
Secondary: Schrader Creek (MF)
Application received: November 3, 2022
Issued: December 6, 2022

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

Contact: D. J. Stevenson.

ESCP # **ESX17-129-0014**

Applicant Name **XPR Resources, LLC**

Contact Person Kristan Padula

Address 6000 Town Center Boulevard, Suite 210

City, State, Zip Canonsburg, PA 15317

Township(s) Derry Township

County **Westmoreland County**

Receiving Stream(s) and Classification(s) UNT to McGee Run CWF

Application received: August 3, 2022

Renewal issued: December 12, 2022

ESCGP # 3 **ESG076322011-00**

Applicant Name **CNX Gas Company, LLC**

Contact Person Robert Bassett

Address 1000 Consol Energy Drive

City, State, Zip Canonsburg, PA 15317

Township(s) West Finley Township

County **Washington County**

Receiving Stream(s) and Classification(s) Unnamed tributary to Templeton Fork TSF

Application received: September 9, 2022

Issued: December 12, 2022

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Prem Ventures, Storage Tank Facility ID # **40-14479**, 125 North Memorial Highway, Shavertown, PA 18708, Kingston Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Prem Ventures LLC, 799 Coon Road, Wyoming, PA 18644 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

Lakewood Bulk Plant, Storage Tank Facility ID # **64-13651**, 1421 Crosstown Highway, Lakewood, PA 18439, Preston Township, **Wayne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Firmstone Lakewood Fuels, P.O. Box 507, Honesdale, PA 18431 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

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

Contact: Ellen Roberts.

BFS Slippery Rock, Storage Tank Facility ID # **10-14073**, 103 N Main Street, Slippery Rock, PA 16057, Slippery Rock Borough, **Butler County**. Letterle & Associates, 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or

nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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 Plan concerning remediation of soil and groundwater contaminated with used motor oil. The plan was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on December 12, 2022.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Sunoco 0363 9168, Storage Tank Facility ID # **46-30700**, 1 W. Skippack Pike, Ambler, PA 19002, Whitpain Township, **Montgomery County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on December 9, 2022.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Neville Island Terminal, Storage Tank Facility ID # **02-80588**, 2620 Neville Road, Neville, PA 15225, Neville Township, **Allegheny County**. Arcadis U.S., Inc., 6041 Wallace Road Ext., Suite 300, Wexford, PA 15090, on behalf of Chevron Environmental Management Company, 1500 Louisiana Street, Floor 38, Houston, TX 77002

submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with leaded gasoline. The report nonresidential demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on December 7, 2022.

Round Town Gasoline, Storage Tank Facility ID # **02-80981**, 2094 Brush Creek Road, Warrendale, PA 15086, Marshall Township, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Kramer Strategic LLC, 180 Cook Street, # 107, Denver, CO 80206 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on December 12, 2022.

Turkey Hill # 239, Storage Tank Facility ID # **56-37192**, 829 North Center Avenue, Somerset, PA 15501, Somerset Borough, **Somerset County**. Kleinfelder, Inc., 51 Dutilh Road, Suite 240, Cranberry, PA 16066, on behalf of TH Minit Markets, LLC, 165 Flanders Road, Westborough, MA 01581 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel fuel. The plan residential was not acceptable to meet the Statewide health standards and was disapproved by DEP on December 12, 2022.

[Pa.B. Doc. No. 22-1980. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, informs the public of the availability of the final National Pollution Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03) for a new 5-year term. The PAG-03 General Permit will become effective on March 24, 2023, and will expire on March 23, 2028.

The PAG-03 General Permit is intended to provide NPDES permit coverage for discharges of stormwater associated with industrial activity. The PAG-03 General Permit may not be used for discharges to waters designated for special protection under 25 Pa. Code Chapter 93 (relating to water quality standards) or other discharges that do not meet eligibility requirements of the PAG-03 General Permit.

Notice of the availability of a draft PAG-03 General Permit was published at 52 Pa.B. 500 (January 22, 2022).

A 30-day comment period was provided and the Department received comments and questions from seven different individuals and organizations. The Department received an objection to the issuance of a final PAG-03 General Permit from the United States Environmental Protection Agency (EPA) on February 22, 2022. Based on changes made in response to public comments and the EPA's objection, the Department published notice of the availability a redraft of the PAG-03 General Permit at 52 Pa.B. 5204 (August 20, 2022). An additional 30-day comment period was provided and the Department received comments and questions from nine different individuals and organizations. A comment and response document has been developed to address the comments received on both drafts.

Permittees with existing coverage under the PAG-03 General Permit will be required to submit a renewal Notice of Intent (NOI) to maintain continued coverage under the PAG-03 General Permit by March 23, 2023. The Department will transmit notification to all existing PAG-03 permittees explaining the changes to the terms and conditions of General Permit coverage and what steps must be taken for continued coverage.

The PAG-03 NOI fee is \$2,500, to be paid in \$500 annual increments. The NOI fee does not apply to entities satisfying the criteria for an exemption under 25 Pa. Code § 92a.26(i) (relating to application fees).

Changes were made to the final PAG-03 General Permit in comparison to the redrafted PAG-03 General Permit that was published at 52 Pa.B. 5204 (August 20, 2022) as follows:

- Clarification has been added to the NOI Requirements section of the general permit that, for facilities with existing coverage under the PAG-03 General Permit (effective September 24, 2016), an NOI to remain covered under the reissued PAG-03 must be received by March 23, 2023. As long as an NOI is received by March 23, 2023, an existing PAG-03 permittee can continue to discharge under the reissued PAG-03.

- Beginning in 2024, the due date of the Annual Report and the NOI fee annual installment payment will be March 23 each year. For existing permittees, the due date for the NOI fee annual installment in 2023 and the Annual Report covering January 1, 2022, to December 31, 2022, will be May 1, 2023.

- Part C II.D (Pollution Prevention and Exposure Minimization) of the General Permit was modified to eliminate the requirement that permittees notify the Department in writing when it is determined that minimizing exposure of manufacturing, processing and material storage areas to precipitation is infeasible.

- Part C V.A.2.e has been removed. This provision would have prohibited permittees from discharging through valve-controlled stormwater retention structures during dry weather.

- Part C V.D has been modified to describe the circumstances in which the permittee should submit an NOI to amend PAG-03 coverage or otherwise notify the Department, who will decide when an amendment to coverage is necessary.

- In Part C VI.1 and 2, the Department has clarified that the submission of a corrective action plan (CAP) following two consecutive benchmark exceedances and a CAP and Stormwater BMP Checklist (3800-FM-BCW00831) following four consecutive benchmark exceedances starts as of the effective date of the reissued PAG-03.

- The sample type for Total Nitrogen in all appendices was changed from "Grab" to "Calculation" and a footnote was added to explain that Total Nitrogen is the sum of Total Kjeldahl-N (TKN) plus Nitrite-Nitrate as N ($\text{NO}_2 + \text{NO}_3 - \text{N}$), where TKN and $\text{NO}_2 + \text{NO}_3 - \text{N}$ are measured in the same sample.

The PAG-03 General Permit package can be accessed online through the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-03 NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity 3850-PM-BCW0083").

In accordance with 25 Pa. Code § 92a.84(c)(3) (relating to public notice of general permits), the Department will publish notice in the *Pennsylvania Bulletin* for every approval of coverage under the PAG-03 General Permit.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1981. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Home Health Agencies; Requests for Exception

The following home health agencies are seeking exceptions to 28 Pa. Code § 611.51(a)(1) (relating to hiring or rostering of direct care workers):

Preferred Home Health Care and Nursing Services
130 Presidential Boulevard, Suite 200
Bala Cynwyd, PA 19004
LIC # 53993601

Maxim Healthcare Services
3512 Concord Road
York, PA 17402
LIC # 17233601

Maxim Healthcare Services
2208 Quarry Drive, Suite 100
Reading, PA 19609
LIC # 17223601

CareBuilders at Home
259 Wyoming Avenue, Unit 3
Kingston, PA 18704
LIC # 30823601

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379, fax (717) 787-3188, ra-communityprogramlicensure@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1982. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

<i>Square footage</i>	0—999 sq/ft	1,000—4,999 sq/ft	5,000—9,999 sq/ft	10,000—19,999 sq/ft	20,000—99,999 sq/ft
<i>Peer group</i>	5	4	3	2	1
<i>Number of cash registers</i>	0-1	2—4	5—9	10—19	20+
				<i>Geography</i>	
					<i>Density</i>
<i>Weighting</i>			<i>Population Ranges</i>		
<i>Square footage</i>	30%		0—69,999	Remote Rural	0—50
<i>Registers</i>	30%		70,000—124,999	Rural	51—99
<i>Geography</i>	40%		125,000—249,999	Slightly Urban	100—199
			250,000—499,999	Urban	200—499
			500,000—999,999	Metro Market Edge	500—1,000
			1,000,000+	Metro Market Center	1,000+

Competitive Prices for Peer Group 1 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 1 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2023, through March 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

Harmony Physical Rehabilitation
4365 Northern Pike
Monroeville, PA 15146
FAC ID # 24280201

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1983. Filed for public inspection December 23, 2022, 9:00 a.m.]

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	1	\$4.71
Brown Rice	1	\$1.73
Canned Beans	1	\$1.69
Cereal (per ounce)	1	\$0.39
Cheese—16 oz.	1	\$7.81
Cheese—Kosher—16 oz.	1	\$15.43
Dried Beans/peas	1	\$2.63
Fresh shell eggs	1	\$4.69
Infant Cereal	1	\$3.68
Infant Fruits	1	\$1.34
Infant Meats	1	\$1.61
Infant Vegetables	1	\$1.37
Juice 11.5/12 oz.	1	\$2.98
Juice 48 oz.	1	\$4.71
Juice 64 oz.	1	\$5.27
Light Tuna 5 oz.	1	\$1.63
Milk—Kosher—Low Fat 1/2 gallon	1	\$5.29
Milk—Low Fat 1/2 gallon	1	\$2.93
Milk—Whole—Kosher 1/2 gallon	1	\$5.67
Milk—Whole 1/2 gallon	1	\$3.33
Oats 16 oz.	1	\$2.20
Peanut Butter	1	\$3.85
Salmon 6 oz.	1	\$3.43
Sardines 3.75 oz.	1	\$1.90
Similac Adv Conc 13 oz.	1	\$8.25
Similac Adv Pwd 12.4 oz.	1	\$25.88
Similac Isomil Pwd 12.4 oz.	1	\$25.99
Tortilla 16 oz.	1	\$3.94
Whole Wheat Pasta 16 oz.	1	\$2.11

Competitive Prices for Peer Group 2 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 2 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2023, through March 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	2	\$5.16
Brown Rice	2	\$1.95
Canned Beans	2	\$1.85
Cereal (per ounce)	2	\$0.41
Cheese—16 oz.	2	\$8.45
Cheese—Kosher—16 oz.	2	\$17.86

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Dried Beans/peas	2	\$2.70
Fresh shell eggs	2	\$5.07
Infant Cereal	2	\$3.92
Infant Fruits	2	\$1.48
Infant Meats	2	\$1.70
Infant Vegetables	2	\$1.52
Juice 11.5/12 oz.	2	\$3.37
Juice 48 oz.	2	\$5.34
Juice 64 oz.	2	\$5.64
Light Tuna 5 oz.	2	\$1.82
Milk—Kosher—Low Fat 1/2 gallon	2	\$5.79
Milk—Low Fat 1/2 gallon	2	\$3.09
Milk—Whole—Kosher 1/2 gallon	2	\$5.98
Milk—Whole 1/2 gallon	2	\$3.42
Oats 16 oz.	2	\$2.48
Peanut Butter	2	\$4.11
Salmon 6 oz.	2	\$3.59
Sardines 3.75 oz.	2	\$2.05
Similac Adv Conc 13 oz.	2	\$8.52
Similac Adv Pwd 12.4 oz.	2	\$28.70
Similac Isomil Pwd 12.4 oz.	2	\$28.84
Tortilla 16 oz.	2	\$4.47
Whole Wheat Pasta 16 oz.	2	\$2.39

Competitive Prices for Peer Group 3 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 3 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2023, through March 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	3	\$5.28
Brown Rice	3	\$2.12
Canned Beans	3	\$1.92
Cereal (per ounce)	3	\$0.44
Cheese—16 oz.	3	\$8.91
Cheese—Kosher—16 oz.	3	\$19.64
Dried Beans/peas	3	\$3.11
Fresh shell eggs	3	\$5.50
Infant Cereal	3	\$4.24
Infant Fruits	3	\$1.52
Infant Meats	3	\$1.83
Infant Vegetables	3	\$1.63

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Juice 11.5/12 oz.	3	\$3.59
Juice 48 oz.	3	\$5.45
Juice 64 oz.	3	\$5.68
Light Tuna 5 oz.	3	\$2.02
Milk—Kosher—Low Fat 1/2 gallon	3	\$6.29
Milk—Low Fat 1/2 gallon	3	\$3.30
Milk—Whole—Kosher 1/2 gallon	3	\$6.46
Milk—Whole 1/2 gallon	3	\$3.48
Oats 16 oz.	3	\$2.59
Peanut Butter	3	\$4.28
Salmon 6 oz.	3	\$3.90
Sardines 3.75 oz.	3	\$2.09
Similac Adv Conc 13 oz.	3	\$8.83
Similac Adv Pwd 12.4 oz.	3	\$32.40
Similac Isomil Pwd 12.4 oz.	3	\$32.56
Tortilla 16 oz.	3	\$4.76
Whole Wheat Pasta 16 oz.	3	\$2.56

Competitive Prices for Peer Group 4 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 4 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2023, through March 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	4	\$5.92
Brown Rice	4	\$2.25
Canned Beans	4	\$2.22
Cereal (per ounce)	4	\$0.54
Cheese—16 oz.	4	\$10.17
Cheese—Kosher—16 oz.	4	\$21.61
Dried Beans/peas	4	\$3.19
Fresh shell eggs	4	\$5.60
Infant Cereal	4	\$4.64
Infant Fruits	4	\$1.73
Infant Meats	4	\$1.96
Infant Vegetables	4	\$1.72
Juice 11.5/12 oz.	4	\$4.65
Juice 48 oz.	4	\$6.03
Juice 64 oz.	4	\$6.89
Light Tuna 5 oz.	4	\$2.21
Milk—Kosher—Low Fat 1/2 gallon	4	\$6.94

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Milk—Low Fat 1/2 gallon	4	\$4.04
Milk—Whole—Kosher 1/2 gallon	4	\$7.09
Milk—Whole 1/2 gallon	4	\$4.39
Oats 16 oz.	4	\$3.19
Peanut Butter	4	\$5.40
Salmon 6 oz.	4	\$5.07
Sardines 3.75 oz.	4	\$2.93
Similac Adv Conc 13 oz.	4	\$12.57
Similac Adv Pwd 12.4 oz.	4	\$35.80
Similac Isomil Pwd 12.4 oz.	4	\$35.82
Tortilla 16 oz.	4	\$5.04
Whole Wheat Pasta 16 oz.	4	\$3.32

Competitive Prices for Peer Group 5 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 5 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2023, through March 31, 2023, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	5	\$6.24
Brown Rice	5	\$4.07
Canned Beans	5	\$2.57
Cereal (per ounce)	5	\$0.61
Cheese—16 oz.	5	\$12.92
Cheese—Kosher—16 oz.	5	\$23.76
Dried Beans/peas	5	\$3.48
Fresh shell eggs	5	\$5.80
Infant Cereal	5	\$5.76
Infant Fruits	5	\$1.92
Infant Meats	5	\$2.31
Infant Vegetables	5	\$2.17
Juice 11.5/12 oz.	5	\$5.08
Juice 48 oz.	5	\$6.88
Juice 64 oz.	5	\$8.18
Light Tuna 5 oz.	5	\$2.67
Milk—Kosher—Low Fat 1/2 gallon	5	\$7.65
Milk—Low Fat 1/2 gallon	5	\$5.02
Milk—Whole—Kosher 1/2 gallon	5	\$7.85
Milk—Whole 1/2 gallon	5	\$5.27
Oats 16 oz.	5	\$3.77
Peanut Butter	5	\$6.42

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Salmon 6 oz.	5	\$5.54
Sardines 3.75 oz.	5	\$3.71
Similac Adv Conc 13 oz.	5	\$17.16
Similac Adv Pwd 12.4 oz.	5	\$41.09
Similac Isomil Pwd 12.4 oz.	5	\$40.96
Tortilla 16 oz.	5	\$5.46
Whole Wheat Pasta 16 oz.	5	\$3.60

**United States Department of Agriculture (USDA)
Nondiscrimination Statement:**

In accordance with Federal civil rights law and the USDA civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (for example, Braille, large print, audiotape, American Sign Language), should contact the responsible State or local agency that administers the program or the USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact the USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to the USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, fax (833) 256-1665, (202) 690-7442, Program.Intake@usda.gov.

This institution is an equal opportunity provider.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact the Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289 or, for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Pennsylvania WIC program is funded by the USDA. The USDA is an equal opportunity provider.

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1984. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Payments and Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds in Fiscal Year (FY) 2022-2023 for several classes of inpatient disproportionate share hospital (DSH) payments and supplemental payments to Medical Assistance (MA) enrolled, qualifying inpatient acute care general hospitals. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments. The qualifying criteria and payment methodology for each payment are described in the Commonwealth's Medicaid State Plan.

Payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The allocation of the funds for DSH payments described as follows is contingent on the availability of Federal financial participation for these payments.

Allocation of Funds

The Department intends to allocate \$105.910 million in total funds for DSH payments to qualifying acute care general hospitals that provide enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth, upon approval by Centers for Medicare & Medicaid Services (CMS).

The Department intends to allocate \$1.458 million in total funds for DSH payments to qualifying acute care general hospitals that have a low commercial-payer ratio, a negative trend in their net patient revenue and are located in an area of this Commonwealth with a disproportionate need for MA services, upon approval by CMS.

The Department intends to allocate \$1.250 million in total funds for DSH payments to qualifying acute care general hospitals to promote access to acute care services for MA eligible persons in less urban areas of this Commonwealth, upon approval by CMS.

The Department intends to allocate \$112.900 million in total funds for DSH payments to qualifying acute care hospitals to promote access to comprehensive inpatient services for MA eligible persons by assuring an adequate supply of health care professionals who have been trained in high volume MA enrolled hospital settings, upon approval by CMS.

The Department intends to allocate \$0.500 million in total funds for DSH payments to qualifying teaching hospitals that provide psychiatric services to MA beneficiaries in order to help offset medical education costs of psychiatrists that are incurred by hospitals providing assistance to MA beneficiaries and uninsured persons, upon approval by CMS.

The Department intends to allocate \$85.586 million in total funds for DSH payments to provide financial relief to hospitals and promote access to acute care services for MA beneficiaries during the novel coronavirus (COVID-19) pandemic, upon approval by CMS.

The Department intends to allocate \$0.688 million in total funds for DSH payments to qualifying acute care general hospitals that, in partnership with an indepen-

dent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities, upon approval by CMS.

The Department intends to allocate \$0.726 million in total funds funding for DSH payments made to qualifying MA enrolled acute care general hospitals that provide a high volume of inpatient services to MA eligible and low-income populations, upon approval by CMS.

The Department intends to allocate \$4.271 million in total funds for DSH payments to qualifying acute care general hospitals that qualify as academic medical centers, upon approval by CMS.

The Department intends to allocate \$23.606 million in total funds for DSH payments to qualifying acute care general hospitals to provide additional support for the operation of academic medical programs through the medical education of health care professionals needed to treat the MA population, upon approval by CMS.

The Department intends to allocate \$7.292 million in total funds DSH payments to qualifying acute care general hospitals that participate in an academic medical program, upon approval by CMS.

The Department intends to allocate \$9.375 million in total funds for DSH payments to qualifying acute care general hospitals that provide a high volume of services to the MA population to promote continued access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs for integrated patient-centered medical services, upon approval by CMS.

The Department intends to allocate \$5.833 million in total funds for DSH payments to qualifying acute care general hospitals to promote the availability of professional medical services to MA populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs, upon approval by CMS.

The Department intends to allocate \$6.251 million in total funds for supplemental payments to qualifying acute care general hospitals that provide medical and surgical ocular services to MA beneficiaries to ensure continued access to these critical eye related services, upon approval by CMS.

The Department intends to allocate \$89.214 million in total funds for supplemental payments to qualifying acute care general hospitals that treat a high volume of opioid use disorder patients in their emergency rooms, upon approval by CMS.

The Department intends to allocate \$4.783 million in total funds for supplemental payments to qualifying acute care general hospitals located in a county with an estimated general population count of less than 1 million that serve a high percent of MA patients, upon approval by CMS.

The Department intends to allocate \$5.208 million in total funds for supplemental payments to qualifying acute care general hospitals that provide a high volume of services to MA eligible and low-income populations in nonrural medically underserved areas, upon approval by CMS.

The Department intends to allocate \$0.900 million in total funds for supplemental payments to qualifying acute care general hospitals that provide a substantial portion of their inpatient services to MA beneficiaries, upon approval by CMS.

Fiscal Impact

The FY 2022-2023 impact, as a result of the funding allocation for these payments, is \$465.751 million in total funds (State and Federal), upon approval by CMS.

Public Comment

Interested persons are invited to submit written comments regarding these DSH and supplemental payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1556. (1) General Fund;

(7) MA—Fee-for-Service; (2) Implementing Year 2022-23 is \$153,066,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$644,059,000; 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000;

(7) MA—Academic Medical Centers; (2) Implementing Year 2022-23 is \$21,493,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$21,448,000; 2020-21 Program—\$21,749,000; 2019-20 Program—\$21,092,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2022-23 is \$3,047,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$9,613,000; 2020-21 Program—\$9,618,000; 2019-20 Program—\$7,502,000;

(7) MA—Autism Intervention; (2) Implementing Year 2022-23 is \$523,000; (3) 1st Succeeding Year 2023-24 through 5th Succeeding Year 2027-28 are \$0; (4) 2021-22 Program—\$27,493,000; 2020-21 Program—\$27,262,000; 2019-20 Program—\$27,052,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-1985. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Pharmacy Prior Authorization

The Department of Human Services (Department) announces it will add Corticotropin; targeted systemic Immunomodulators, Atopic Dermatitis designated as preferred on the Department's Preferred Drug List (PDL); PCSK9 inhibitor Lipotropics, Other designated as preferred on the PDL; and Obesity Treatment Agents designated as preferred on the PDL to the Medical Assistance (MA) Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Human Services Code (62 P.S. § 443.6(b)(7)) authorizes the Department to add items

and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for Corticotropin; targeted systemic Immunomodulators, Atopic Dermatitis designated as preferred on the PDL; PCSK9 inhibitor Lipotropics, Other designated as preferred on the PDL; and Obesity Treatment Agents designated as preferred on the PDL. These prior authorization requirements apply to prescriptions dispensed on or after January 9, 2023.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for Corticotropin; targeted systemic Immunomodulators, Atopic Dermatitis designated as preferred on the PDL; PCSK9 inhibitor Lipotropics, Other designated as preferred on the PDL; and Obesity Treatment Agents designated as preferred on the PDL.

Fiscal Impact

These changes are estimated to result in minimal savings in the MA Fee-for-Service Program.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

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).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1555. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-1986. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate Notice

Under sections 806 and 806.1 of The Fiscal Code (72 P.S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the calendar year beginning January 1, 2023, all underpayments of tax which became due and payable to the Commonwealth shall bear interest at the rate of 7% per annum. All overpayments of the tax paid during this calendar year under Article III of the Tax Reform Code of 1971 (72 P.S. §§ 7301—7361) shall bear interest at the rate of 7% per annum. All other overpayments of tax paid during this calendar year shall bear interest at the rate of 5% per annum. These rates will remain constant until December 31, 2023. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under section 6621(a)(2) of the Internal Revenue Code (26 U.S.C.A. § 6621(a)(2)) to be effective January 1, 2023.

Although the Tax Reform Act of 1986 amended section 6621 of the Internal Revenue Code by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code, as previously cited, requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1987. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$1,000,000 Game Instant Lottery Game 1617

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1,000,000 Game (hereinafter “\$1,000,000 Game”). The game number is PA-1617.

2. *Price:* The price of a \$1,000,000 Game instant lottery game ticket is \$20.

3. *Play symbols:* Each \$1,000,000 Game instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “MINI GAME” area. The “MINI GAME” area contains three play spots and is played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), GAME (GAME) symbol, 20X (20TIMES) symbol and an ALL (WINALL) symbol. The play symbols and their captions, located in each of the three spots in the “MINI GAME” area, are: NOBONUS (TRYAGAIN) symbol, TRYAGAIN (NOBONUS) symbol, NOBONUS (TRYAGAIN) symbol, TRYAGAIN (NOBONUS) symbol, NOBONUS (TRYAGAIN) symbol, TRYAGAIN (NOBONUS) symbol, NOBONUS (TRYAGAIN) symbol and a NOBONUS (TRYAGAIN) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL). The prize symbols and their captions, located in each of the three spots in the “MINI GAME” area, are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game, are: \$20, \$30, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The prizes that can be won in each of the three spots in the “MINI GAME” area, are: \$20, \$30, \$50, \$100, \$200, \$400, \$500 and \$1,000. \$1,000,000 Game contains a feature that can multiply certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 23 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the \$1,000,000 Game instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1MILL (ONE MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which an ALL (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10,000 (TEN THO) appears in nine of the “prize” areas, a prize symbol of \$1,000 (ONE THO) appears in eight of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in one of the “prize” areas, a prize symbol of \$400 (FOR HUN) appears in one of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$99,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which an ALL (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which an ALL (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$8,000.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which a 20X (20TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a prize symbol of \$1,000 (ONE THO) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which an ALL (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(l) Holders of tickets upon which an ALL (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the “prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in 15 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$700.

(m) Holders of tickets upon which a 20X (20TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$600.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which a prize symbol of \$500 (FIV HUN) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$500.

(q) Holders of tickets upon which an ALL (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in three of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in 16 of the “prize” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(s) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$400 (FOR HUN) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$400.

(t) Holders of tickets upon which a 20X (20TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(u) Holders of tickets upon which a prize symbol of \$400 (FOR HUN) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$400.

(v) Holders of tickets upon which an ALL (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(w) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(x) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$200.

(y) Holders of tickets upon which a prize symbol of \$200 (TWO HUN) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$200.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$100.

(bb) Holders of tickets upon which a prize symbol of \$100 (ONE HUN) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$100.

(cc) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which a prize symbol of \$50⁰⁰ (FIFTY) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$50.

(ff) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(gg) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$30.

(hh) Holders of tickets upon which a prize symbol of \$30⁰⁰ (THIRTY) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$30.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(jj) Holders of tickets upon which a GAME (GAME) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that GAME (GAME) symbol, on a single ticket, shall be entitled to a prize of \$20.

(kk) Holders of tickets upon which a prize symbol of \$20⁰⁰ (TWENTY) appears in any of the three spots within the “MINI GAME” area, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“MINI GAME”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
	\$20	\$20	30	280,000
\$20 w/ GAME SYMBOL		\$20	30	280,000
\$20		\$20	33.33	252,000
	\$30	\$30	30	280,000
\$30 w/ GAME SYMBOL		\$30	30	280,000
\$30		\$30	75	112,000
\$30 + \$20		\$50	300	28,000

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MINI GAME":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$20 w/ GAME SYMBOL	\$30	\$50	100	84,000
\$30 w/ GAME SYMBOL	\$20	\$50	100	84,000
	\$50	\$50	150	56,000
\$50 w/ GAME SYMBOL		\$50	30	280,000
\$50		\$50	300	28,000
\$20 × 5		\$100	300	28,000
\$50 × 2		\$100	300	28,000
(\$20 w/ GAME SYMBOL) + \$20	\$20 × 3	\$100	150	56,000
\$50 w/ GAME SYMBOL	\$50	\$100	300	28,000
	\$50 + \$30 + \$20	\$100	300	28,000
	\$100	\$100	150	56,000
\$100 w/ GAME SYMBOL		\$100	150	56,000
\$100		\$100	300	28,000
\$20 × 10		\$200	12,000	700
\$50 × 4		\$200	12,000	700
(\$20 w/ GAME SYMBOL) × 5	\$50 + \$30 + \$20	\$200	6,000	1,400
(((\$50 w/ GAME SYMBOL) × 2) + (\$20 × 2))	\$30 × 2	\$200	6,000	1,400
(\$100 w/ GAME SYMBOL) + (\$20 × 2)	\$20 × 3	\$200	6,000	1,400
	(\$50 × 2) + \$100	\$200	6,000	1,400
	\$200	\$200	1,200	7,000
\$200 w/ GAME SYMBOL		\$200	300	28,000
\$200		\$200	12,000	700
ALL w/ (\$20 × 20)		\$400	600	14,000
\$100 × 4		\$400	120,000	70
\$200	\$100 × 2	\$400	12,000	700
(((\$50 w/ GAME SYMBOL) × 4) + (\$20 × 5))	\$50 + \$30 + \$20	\$400	12,000	700
	\$400	\$400	24,000	350
\$20 w/ 20X		\$400	600	14,000
\$400 w/ GAME SYMBOL		\$400	24,000	350
\$400		\$400	60,000	140
ALL w/ (\$20 × 20)	\$50 + \$30 + \$20	\$500	4,800	1,750
ALL w/ ((\$50 × 3) + (\$20 × 16) + \$30)		\$500	6,000	1,400
(\$20 w/ GAME SYMBOL) × 10	\$100 × 3	\$500	120,000	70
\$20 w/ 20X	\$50 × 2	\$500	120,000	70
	\$500	\$500	120,000	70
\$500 w/ GAME SYMBOL		\$500	120,000	70
\$500		\$500	120,000	70
ALL w/ ((\$50 × 5) + (\$30 × 15))	\$100 × 3	\$1,000	12,000	700
ALL w/ (\$50 × 20)		\$1,000	12,000	700
(\$30 w/ 20X) + (\$20 w/ 20X)		\$1,000	120,000	70
	\$1,000	\$1,000	120,000	70
\$50 w/ 20X		\$1,000	6,000	1,400
\$1,000 w/ GAME SYMBOL		\$1,000	120,000	70

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"MINI GAME":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$1,000		\$1,000	120,000	70
ALL w/ (\$400 × 20)	(\$500 × 2) + \$1,000	\$10,000	1,680,000	5
ALL w/ (\$500 × 20)		\$10,000	1,680,000	5
\$10,000		\$10,000	1,680,000	5
ALL w/ ((\$10,000 × 9) + (\$1,000 × 8) + \$500 + \$400 + \$100)	\$500 + \$400 + \$100	\$100,000	1,680,000	5
\$100,000		\$100,000	1,680,000	5
\$1,000,000		\$1,000,000	1,680,000	5

Reveal a "GAME" (GAME) symbol, win prize shown under that symbol automatically.

Reveal a "20X" (20TIMES) symbol, win 20 TIMES the prize shown under that symbol.

Reveal an "ALL" (WINALL) symbol, win all 20 prizes shown!

Reveal a cash prize amount in any MINI GAME, win that amount instantly! MINI GAME area is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$1,000,000 Game instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of the \$1,000,000 Game, prize money from winning \$1,000,000 Game instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$1,000,000 Game instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote the \$1,000,000 Game or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1988. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash Crush Instant Lottery Game 1618

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Crush (hereafter "Cash Crush"). The game number is PA-1618.

2. *Price:* The price of a Cash Crush instant lottery game ticket is \$5.

3. *Play symbols:* Each Cash Crush instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN),

28 (TWYEGT), 29 (TWININ) and 30 (THIRT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRT), CASH (WIN100) symbol and a CRUSH (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$30^{.00} (THIRTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$30, \$50, \$100, \$200, \$400, \$1,000, \$5,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 5,400,000 tickets will be printed for Cash Crush instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a With Love Second-Chance Drawing for which non-winning Cash Crush instant lottery game tickets may be eligible as provided in section 10.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$1,000 (ONE THO) appears in two of the "prize" areas, a prize symbol of \$400 (FOR HUN) appears in five of the "prize" areas and a prize symbol of \$200 (TWO HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$400 (FOR HUN) appears in two of the "prize" areas and a prize symbol of \$20^{.00} (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$200 (TWO HUN) appears in two of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears

in five of the "prize" areas and a prize symbol of \$20^{.00} (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas and a prize symbol of \$20^{.00} (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50^{.00} (FIFTY) appears in four of the "prize" areas, a prize symbol of \$30^{.00} (THIRTY) appears in five of the "prize" areas, a prize symbol of \$20^{.00} (TWENTY) appears in two of the "prize" areas and a prize symbol of \$10^{.00} (TEN DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$10^{.00} (TEN DOL) appears in ten of the "prize" areas, a prize symbol of \$200 (TWO HUN) appears in one of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$50^{.00} (FIFTY) appears in two of the "prize" areas and a prize symbol of \$10^{.00} (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$20^{.00} (TWENTY) appears in eight of the "prize" areas and a prize symbol of \$10^{.00} (TEN DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$5^{.00} (FIV DOL) appears in ten of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas and a prize symbol of \$50^{.00} (FIFTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which a CASH (WIN100) symbol appears in the "YOUR NUMBERS" area and a

prize symbol of \$100 (ONE HUN) appears in the “prize” area under that CASH (WIN100) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which a CRUSH (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$5	\$5	8.11	666,000
\$5 × 2	\$10	33.33	162,000
\$10	\$10	30	180,000
\$5 × 4	\$20	120	45,000
\$10 × 2	\$20	120	45,000
(\$5 × 2) + \$10	\$20	120	45,000
\$20	\$20	120	45,000
\$5 × 6	\$30	600	9,000
\$10 × 3	\$30	600	9,000
(\$5 × 2) + \$20	\$30	600	9,000
(\$10 × 2) + (\$5 × 2)	\$30	600	9,000
\$30	\$30	600	9,000
\$5 × 10	\$50	600	9,000
(\$10 × 2) + (\$5 × 2) + \$20	\$50	600	9,000
(\$20 × 2) + \$10	\$50	600	9,000
\$30 + \$20	\$50	600	9,000
\$50	\$50	300	18,000
CRUSH w/ ((\$5 × 10) + \$30 + \$20)	\$100	1,500	3,600
CRUSH w/ ((\$10 × 8) + (\$5 × 4))	\$100	1,500	3,600
CRUSH w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	1,500	3,600
\$10 × 10	\$100	24,000	225
\$20 × 5	\$100	24,000	225

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$100 w/ CASH	\$100	300	18,000
\$100	\$100	24,000	225
CRUSH w/ ((\$5 × 10) + \$100 + \$50)	\$200	15,000	360
CRUSH w/ ((\$20 × 8) + (\$10 × 4))	\$200	15,000	360
CRUSH w/ ((\$50 × 2) + (\$10 × 10))	\$200	15,000	360
\$20 × 10	\$200	120,000	45
\$50 × 4	\$200	120,000	45
(\$100 w/ CASH) + (\$10 × 10)	\$200	12,000	450
(\$100 w/ CASH) × 2	\$200	12,000	450
\$200	\$200	120,000	45
CRUSH w/ ((\$10 × 10) + \$200 + \$100)	\$400	40,000	135
CRUSH w/ ((\$50 × 4) + (\$30 × 5) + (\$20 × 2) + \$10)	\$400	40,000	135
CRUSH w/ ((\$100 × 2) + (\$20 × 10))	\$400	40,000	135
(((\$100 w/ CASH) × 2) + (\$50 × 4))	\$400	30,000	180
(\$100 w/ CASH) × 4	\$400	30,000	180
\$400	\$400	120,000	45
CRUSH w/ ((\$200 × 2) + (\$100 × 5) + (\$20 × 5))	\$1,000	1,080,000	5
CRUSH w/ ((\$400 × 2) + (\$20 × 10))	\$1,000	1,080,000	5
(((\$100 w/ CASH) × 5) + (\$50 × 6) + \$200)	\$1,000	540,000	10
(\$100 w/ CASH) × 10	\$1,000	540,000	10
\$1,000	\$1,000	1,080,000	5
CRUSH w/ ((\$1,000 × 2) + (\$400 × 5) + (\$200 × 5))	\$5,000	540,000	10
\$5,000	\$5,000	540,000	10
\$100,000	\$100,000	540,000	10

Reveal a "CASH" (WIN100) symbol, win \$100 instantly.

Reveal a "CRUSH" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* The With Love Second-Chance Drawing from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1618 Cash Crush (\$5), PA-1620 Love \$tinks (\$2) and PA-1621 Steal Your Heart (\$1) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will

automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one With Love Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. December 25, 2022, through 11:59:59 p.m. February 16, 2023, will be entered into the Drawing tentatively scheduled to be held between February 21, 2023 and March 6, 2023.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1618 Cash Crush (\$5) = five entries, PA-1620 Love \$tinks (\$2) = two entries and PA-1621 Steal Your Heart (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$14,000, less required income tax withholding.

(ii) The third through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$4,000.

(iii) The seventeenth through the thirtieth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,400.

(iv) The thirty-first through the forty-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$400.

(v) The forty-fifth through the ninety-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Cash Crush instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of Cash Crush, prize money from winning Cash Crush instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Cash Crush instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Cash Crush or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1989. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Charge Up Instant Lottery Game 1619

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Charge Up (hereafter "Charge Up"). The game number is PA-1619.

2. *Price:* The price of a Charge Up instant lottery game ticket is \$3.

3. *Play symbols:* Each Charge Up instant lottery game ticket will contain one play area consisting of nine "ROW" areas and a "CHARGE UP BONUS" area. The "CHARGE UP BONUS" area contains a "\$5 CHARGE UP" spot, a "\$10 CHARGE UP" spot and a "\$30 CHARGE UP" spot. The play symbols and their captions, located in the nine "ROW" areas, are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Power Plug (PLUG) symbol and a 3X (3TIMES) symbol. The play symbols and their captions, located in the "\$5 CHARGE UP" spot within the "CHARGE UP BONUS" area, are: Gold Nugget (NOBONUS) symbol, Bowtie (TRYAGAIN) symbol, Briefcase (NOBONUS) symbol, Bank (TRYAGAIN) symbol, Wishbone (NOBONUS) symbol, Sun (TRYAGAIN) symbol, Wallet (NOBONUS) symbol and a One Bolt (ADD5) symbol. The play symbols and their captions, located in the "\$10 CHARGE UP" spot within the "CHARGE UP BONUS" area, are: Train (NOBONUS) symbol, Gem (TRYAGAIN) symbol, Motorcycle (NOBONUS) symbol, Keys (TRYAGAIN) symbol, Necklace (NOBONUS) symbol, Crown (TRYAGAIN) symbol, Star (NOBONUS) symbol and a Two Bolt (ADD10) symbol. The play symbols and their captions, located in the "\$30 CHARGE UP" spot within the "CHARGE UP BONUS" area, are: Car (TRYAGAIN) symbol, Vault (NOBONUS) symbol, Piggy Bank (TRYAGAIN) symbol, Chest (NOBONUS) symbol, Ring (TRYAGAIN) symbol, Check (NOBONUS) symbol, Stack of Cash (TRYAGAIN) symbol and a Three Bolt (ADD30) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the nine "ROW" areas, are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$60⁰⁰ (SIXTY), \$90⁰⁰ (NINTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$3,000 (THR THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game, are: \$3, \$5, \$9, \$10, \$15, \$20, \$30, \$60, \$90, \$100, \$300, \$1,000, \$3,000 and \$50,000. A player can win up to nine times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 9,600,000 tickets will be printed for the Charge Up instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which a Power Plug (PLUG) symbol appears in any "ROW" and a prize symbol of

(pp) Holders of tickets upon which a 3X (3TIMES) symbol appears in any "ROW" and a prize symbol of \$3^{.00} (THR DOL) appears in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$9.

(qq) Holders of tickets upon which a Power Plug (PLUG) symbol appears in any "ROW" and a prize symbol of \$5^{.00} (FIV DOL) appears in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$5.

(rr) Holders of tickets upon which a Power Plug (PLUG) symbol appears in any "ROW" and a prize symbol of \$3^{.00} (THR DOL) appears in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$3.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Reveal a "Power Plug" (PLUG) Symbol In Any ROW, Win PRIZE Shown To The Right Of That ROW. Win With:</i>	<i>"CHARGE UP BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$3		\$3	10.53	912,000
\$5		\$5	18.18	528,000
\$3 × 3		\$9	200	48,000
\$3 w/ 3X		\$9	50	192,000
\$9		\$9	200	48,000
\$5 × 2		\$10	500	19,200
\$5	ADD \$5 w/ ONE BOLT	\$10	83.33	115,200
\$10		\$10	333.33	28,800
\$3 × 5		\$15	1,000	9,600
\$5	ADD \$10 w/ TWO BOLT	\$15	500	19,200
\$10	ADD \$5 w/ ONE BOLT	\$15	500	19,200
\$5 w/ 3X		\$15	250	38,400
\$15		\$15	1,000	9,600
\$10 × 2		\$20	1,000	9,600
(\$3 × 5) + \$5		\$20	1,000	9,600
\$5 × 2	ADD \$5 w/ ONE BOLT	\$20	500	19,200
\$10	ADD \$10 w/ TWO BOLT	\$20	500	19,200
\$5 w/ 3X	ADD \$5 w/ ONE BOLT	\$20	333.33	28,800
\$20		\$20	1,000	9,600
\$15 × 2		\$30	1,000	9,600
\$5 × 3	ADD \$5 w/ ONE BOLT	\$30	1,000	9,600
\$15	(ADD \$10 w/ TWO BOLT) + (ADD \$5 w/ ONE BOLT)	\$30	1,000	9,600
\$20	ADD \$10 w/ TWO BOLT	\$30	500	19,200
\$5 w/ 3X	(ADD \$10 w/ TWO BOLT) + (ADD \$5 w/ ONE BOLT)	\$30	500	19,200
\$10 w/ 3X		\$30	1,000	9,600
\$30		\$30	1,000	9,600
\$20 × 3		\$60	12,000	800

<i>Reveal a "Power Plug" (PLUG) Symbol In Any ROW, Win PRIZE Shown To The Right Of That ROW. Win With:</i>	<i>"CHARGE UP BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$10 × 3	ADD \$10 w/ TWO BOLT	\$60	6,000	1,600
\$15	(ADD \$30 w/ THREE BOLT) + (ADD \$10 w/ TWO BOLT) + (ADD \$5 w/ ONE BOLT)	\$60	6,000	1,600
\$20	(ADD \$30 w/ THREE BOLT) + (ADD \$10 w/ TWO BOLT)	\$60	4,000	2,400
(\$5 w/ 3X) × 3	ADD \$5 w/ ONE BOLT	\$60	3,000	3,200
\$10 w/ 3X	ADD \$30 w/ THREE BOLT	\$60	3,000	3,200
\$20 w/ 3X		\$60	3,000	3,200
\$60		\$60	12,000	800
\$10 × 9		\$90	12,000	800
\$30 × 3		\$90	12,000	800
\$5 × 6	ADD \$10 w/ TWO BOLT	\$90	6,000	1,600
\$15 × 2	ADD \$30 w/ THREE BOLT	\$90	6,000	1,600
(((\$10 w/ 3X) × 2) + (\$5 w/ 3X))	ADD \$5 w/ ONE BOLT	\$90	6,000	1,600
(\$20 w/ 3X) + (\$10 w/ 3X)		\$90	6,000	1,600
(\$10 w/ 3X) × 3		\$90	6,000	1,600
\$30 w/ 3X		\$90	6,000	1,600
\$90		\$90	24,000	400
\$20 × 5		\$100	24,000	400
(\$20 × 2) + \$30	ADD \$10 w/ TWO BOLT	\$100	24,000	400
\$15 × 5	ADD \$5 w/ ONE BOLT	\$100	12,000	800
\$20 w/ 3X	(ADD \$30 w/ THREE BOLT) + (ADD \$10 w/ TWO BOLT)	\$100	12,000	800
\$30 w/ 3X	ADD \$10 w/ TWO BOLT	\$100	24,000	400
\$100		\$100	24,000	400
\$100 × 3		\$300	120,000	80
\$60 × 3	(ADD \$30 w/ THREE BOLT) + (ADD \$10 w/ TWO BOLT)	\$300	40,000	240
(\$15 w/ 3X) + (((\$10 w/ 3X) × 2) + \$15)	(ADD \$30 w/ THREE BOLT) + (ADD \$10 w/ TWO BOLT) + (ADD \$5 w/ ONE BOLT)	\$300	40,000	240
(\$90 w/ 3X)	ADD \$30 w/ THREE BOLT	\$300	40,000	240
\$100 w/ 3X		\$300	40,000	240
\$300		\$300	120,000	80
(\$300 × 3) + \$100		\$1,000	120,000	80

<i>Reveal a "Power Plug" (PLUG) Symbol In Any ROW, Win PRIZE Shown To The Right Of That ROW. Win With:</i>	<i>"CHARGE UP BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
(\$300 w/ 3X) + \$10	(ADD \$30 w/ THREE BOLT) + (ADD \$10 w/ TWO BOLT) + (ADD \$5 w/ ONE BOLT)	\$1,000	120,000	80
\$1,000		\$1,000	120,000	80
\$1,000 × 3		\$3,000	960,000	10
\$1,000 w/ 3X		\$3,000	960,000	10
\$3,000		\$3,000	960,000	10
\$50,000		\$50,000	960,000	10

Reveal a "3X" (3TIMES) symbol, win 3 TIMES the PRIZE shown to the right of that ROW. Each ROW is played separately.

CHARGE UP BONUS: When a "ONE BOLT" (ADD5) symbol appears in the \$5 CHARGE UP spot, add \$5 to any PRIZE won and win that amount. When a "TWO BOLT" (ADD10) symbol appears in the \$10 CHARGE UP spot, add \$10 to any PRIZE won and win that amount. When a "THREE BOLT" (ADD30) symbol appears in the \$30 CHARGE UP spot, add \$30 to any PRIZE won and win that amount!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Charge Up instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Charge Up, prize money from winning Charge Up instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Charge Up instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Charge Up or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1990. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Five Million Fabulous Fortune Instant Lottery Game 1616

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Five Million Fabulous Fortune (hereinafter "Five Million Fabulous Fortune"). The game number is PA-1616.

2. *Price:* The price of a Five Million Fabulous Fortune instant lottery game ticket is \$50.

3. *Play symbols:* Each Five Million Fabulous Fortune instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "FAST CASH" area and a "FORTUNE BONUS" area. The "FAST CASH" area contains a "FAST \$75" spot, a "FAST \$100" spot and a "FAST \$200" spot. The "FAST CASH" area is played separately. The "FORTUNE BONUS" area contains two "50X BONUS" spots and a "100X" spot. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE),

6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), 41 (FRYONE), 42 (FRYTWO), 43 (FRYTHR), 44 (FRYFOR), 45 (FRYFIV), 46 (FRYSIX), 47 (FRYSVN), 48 (FRYEGT) and 49 (FRYNIN). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), 41 (FRYONE), 42 (FRYTWO), 43 (FRYTHR), 44 (FRYFOR), 45 (FRYFIV), 46 (FRYSIX), 47 (FRYSVN), 48 (FRYEGT), 49 (FRYNIN), Gold Bars (GOLD) symbol, Shield (PLUS50) symbol, \$500 Burst (WIN500) symbol and a Moneybag (WINALL) symbol. The play symbols and their captions, located in the "FAST CASH" area, are: Crown (TRYAGAIN) symbol, Gem (NOBONUS) symbol, Wallet (TRYAGAIN) symbol, Star (NOBONUS) symbol, Piggy Bank (TRYAGAIN) symbol, Diamond (NOBONUS) symbol, Stack of Coins (NOBONUS) symbol, \$75 Bill (WIN75) symbol, \$100 Bill (WIN100) symbol and a \$200 Bill (WIN200) symbol. The play symbols and their captions, located in the "FORTUNE BONUS" area, are: TRYAGAIN (NOMULT) symbol, NOMULT (TRYAGAIN) symbol, 50X (50TIMES) symbol and a FORTUNE (100TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$75⁰⁰ (SVY FIV), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO), \$50,000 (FTY THO), \$250,000 (TWHNFYTH), \$500,000 (FIVHUNTHO) and \$5MILL (FIV MIL).

5. *Prizes:* The prizes that can be won in this game, are: \$75, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000, \$50,000, \$250,000, \$500,000 and \$5,000,000. The prizes that can be won in the "FAST CASH" area, are: \$75, \$100 and \$200. Five Million Fabulous Fortune contains features that can multiply certain prizes. If a prize is won in the main play area and a 50X (50TIMES) symbol appears in either "50X BONUS" spot in the "FORTUNE BONUS" area, the prize won is multiplied by 50. If a prize is won in the main play area and a FORTUNE (100TIMES) symbol appears in the "100X" spot in the "FORTUNE BONUS" area, the prize won is multiplied by 100. If a prize is won in the main play area and a 50X (50TIMES) symbol appears in both "50X BONUS" spots in the "FORTUNE BONUS" area, the prize won is multiplied by 2,500. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 31 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Five Million Fabulous Fortune instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5MILL (FIV MIL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500,000 (FIVHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a FORTUNE (100TIMES) symbol appears in the "100X" spot in the "FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$500,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a 50X (50TIMES) symbol appears in both "50X BONUS" spots in the "FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$250,000.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a 50X (50TIMES) symbol appears in either of the "50X BONUS" spots in the "FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$50,000.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a FORTUNE (100TIMES) symbol appears in the "100X" spot in the "FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$50,000.

(i) Holders of tickets upon which a Moneybag (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$5,000 (FIV THO) appears in five of the "prize" areas and a prize symbol of \$1,000 (ONE THO) appears in 25 of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50,000.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING

NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(k) Holders of tickets upon which a Gold Bars (GOLD) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under that Gold Bars (GOLD) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a FORTUNE (100TIMES) symbol appears in the “100X” spot in the “FORTUNE BONUS” area, on a single ticket, shall be entitled to a prize of \$10,000.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 50X (50TIMES) symbol appears in either of the “50X BONUS” spots in the “FORTUNE BONUS” area, on a single ticket, shall be entitled to a prize of \$10,000.

(n) Holders of tickets upon which a Moneybag (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in 15 of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in ten of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas on a single ticket, shall be entitled to a prize of \$10,000.

(o) Holders of tickets upon which a Moneybag (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in 15 of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in eight of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in seven of the “prize” areas on a single ticket, shall be entitled to a prize of \$9,800.

(p) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(q) Holders of tickets upon which a Gold Bars (GOLD) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that Gold Bars (GOLD) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 50X (50TIMES) symbol appears in either of the “50X BONUS” spots in the “FORTUNE BONUS” area, on a single ticket, shall be entitled to a prize of \$5,000.

(s) Holders of tickets upon which a Moneybag (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in five of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5,000.

(t) Holders of tickets upon which a Moneybag (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in 20 of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in six of the “prize” areas and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$4,900.

(u) Holders of tickets upon which a Moneybag (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in five of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in three of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$4,800.

(v) Holders of tickets upon which a Shield (PLUS50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Shield (PLUS50) symbol, on a single ticket, shall be entitled to a prize of \$1,050.

(w) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(x) Holders of tickets upon which a Gold Bars (GOLD) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Gold Bars (GOLD) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(y) Holders of tickets upon which a Shield (PLUS50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Shield (PLUS50) symbol, on a single ticket, shall be entitled to a prize of \$550.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(aa) Holders of tickets upon which a Gold Bars (GOLD) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Gold Bars (GOLD) symbol, on a single ticket, shall be entitled to a prize of \$500.

(bb) Holders of tickets upon which a \$500 Burst (WIN500) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that \$500 Burst (WIN500) symbol, on a single ticket, shall be entitled to a prize of \$500.

(cc) Holders of tickets upon which a Shield (PLUS50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Shield (PLUS50) symbol, on a single ticket, shall be entitled to a prize of \$250.

(dd) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(ee) Holders of tickets upon which a Gold Bars (GOLD) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Gold Bars (GOLD) symbol, on a single ticket, shall be entitled to a prize of \$200.

(ff) Holders of tickets upon which a \$200 Bill (WIN200) symbol appears in the “FAST \$200” spot in the “FAST CASH” area, on a single ticket, shall be entitled to a prize of \$200.

(gg) Holders of tickets upon which a Shield (PLUS50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Shield (PLUS50) symbol, on a single ticket, shall be entitled to a prize of \$150.

(hh) Holders of tickets upon which a Shield (PLUS50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in the “prize” area under that Shield (PLUS50) symbol, on a single ticket, shall be entitled to a prize of \$125.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(jj) Holders of tickets upon which a Gold Bars (GOLD) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Gold Bars (GOLD) symbol, on a single ticket, shall be entitled to a prize of \$100.

(kk) Holders of tickets upon which a \$100 Bill (WIN100) symbol appears in the “FAST \$100” spot in the “FAST CASH” area, on a single ticket, shall be entitled to a prize of \$100.

(ll) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$75.

(mm) Holders of tickets upon which a Gold Bars (GOLD) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in the “prize” area under that Gold Bars (GOLD) symbol, on a single ticket, shall be entitled to a prize of \$75.

(nn) Holders of tickets upon which a \$75 Bill (WIN75) symbol appears in the “FAST \$75” spot in the “FAST CASH” area, on a single ticket, shall be entitled to a prize of \$75.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“FASH CASH”:</i>	<i>“FORTUNE BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
	\$75 w/ \$75 BILL		\$75	25	336,000
\$75 w/ GOLD BARS			\$75	8.93	940,800
\$75			\$75	25	336,000
	\$100 w/ \$100 BILL		\$100	125	67,200
\$100 w/ GOLD BARS			\$100	50	168,000
\$100			\$100	125	67,200
\$100 × 2			\$200	500	16,800
\$75 w/ SHIELD	\$75 w/ \$75 BILL		\$200	250	33,600
(\$75 w/ SHIELD) + \$75			\$200	250	33,600
	\$200 w/ \$200 BILL		\$200	250	33,600
\$200 w/ GOLD BARS			\$200	250	33,600
\$200			\$200	500	16,800
\$100 × 5			\$500	2,400	3,500
\$75 × 4	\$200 w/ \$200 BILL		\$500	2,400	3,500
\$200 × 2	\$100 w/ \$100 BILL		\$500	2,400	3,500
\$75 w/ SHIELD	(\$200 w/ \$200 BILL) + (\$100 w/ \$100 BILL) + (\$75 w/ \$75 BILL)		\$500	2,400	3,500

NOTICES

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<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"FASH CASH":</i>	<i>"FORTUNE BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
(\$75 w/ SHIELD) + \$75	(\$200 w/ \$200 BILL) + (\$100 w/ \$100 BILL)		\$500	2,400	3,500
(\$100 w/ SHIELD) + (\$100 × 2) + \$75	\$75 w/ \$75 BILL		\$500	2,400	3,500
(\$200 w/ SHIELD) + (\$100 w/ SHIELD)	\$100 w/ \$100 BILL		\$500	2,400	3,500
(\$200 w/ SHIELD) × 2			\$500	2,400	3,500
\$500 w/ \$500 BURST			\$500	120	70,000
\$500 w/ GOLD BARS			\$500	857.14	9,800
\$500			\$500	2,400	3,500
\$100 × 10			\$1,000	2,400	3,500
\$200 × 4	\$200 w/ \$200 BILL		\$1,000	2,400	3,500
(((\$75 w/ GOLD BARS) × 4) + (\$100 × 6))	\$100 w/ \$100 BILL		\$1,000	2,400	3,500
(\$100 w/ SHIELD) + (\$75 w/ SHIELD) + (\$100 × 4) + (\$75 × 2)	(\$100 w/ \$100 BILL) + (\$75 w/ \$75 BILL)		\$1,000	2,400	3,500
(\$200 w/ SHIELD) + (\$100 w/ SHIELD) + ((\$75 w/ GOLD BARS) × 4)	(\$200 w/ \$200 BILL) + (\$100 w/ \$100 BILL)		\$1,000	2,400	3,500
(\$500 w/ SHIELD) + (\$200 w/ SHIELD) + (\$100 w/ GOLD BARS)	\$100 w/ \$100 BILL		\$1,000	1,200	7,000
(\$500 w/ \$500 BURST) × 2			\$1,000	1,200	7,000
\$1,000 w/ GOLD BARS			\$1,000	1,200	7,000
\$1,000			\$1,000	1,200	7,000
MONEYBAG w/ ((\$500 × 5) + (\$200 × 3) + (\$100 × 2) + (\$75 × 20))	\$200 w/ \$200 BILL		\$5,000	40,000	210
MONEYBAG w/ ((\$200 × 20) + (\$100 × 6) + (\$75 × 4))	\$100 w/ \$100 BILL		\$5,000	40,000	210
MONEYBAG w/ ((\$500 × 5) + (\$100 × 25))			\$5,000	120,000	70
\$500 × 10			\$5,000	120,000	70
\$1,000 × 5			\$5,000	120,000	70
(((\$500 w/ \$500 BURST) × 2) + ((\$200 w/ SHIELD) × 10) + ((\$100 w/ GOLD BARS) × 10) + \$200)	(\$200 w/ \$200 BILL) + (\$100 w/ \$100 BILL)		\$5,000	120,000	70
(((\$500 w/ SHIELD) × 8) + (\$500 w/ \$500 BURST))	\$100 w/ \$100 BILL		\$5,000	120,000	70
(((\$1,000 w/ SHIELD) × 4) + (\$500 w/ \$500 BURST))	(\$200 w/ \$200 BILL) + (\$100 w/ \$100 BILL)		\$5,000	120,000	70
(\$500 w/ \$500 BURST) × 10			\$5,000	120,000	70
\$100		50X w/ 50X SYMBOL	\$5,000	20,000	420
\$5,000 w/ GOLD BARS			\$5,000	120,000	70
\$5,000			\$5,000	120,000	70
MONEYBAG w/ ((\$500 × 15) + (\$200 × 8) + (\$100 × 7))	\$200 w/ \$200 BILL		\$10,000	60,000	140

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"FASH CASH":</i>	<i>"FORTUNE BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
MONEYBAG w/ (($\$500 \times 15$) + ($\200×10) + ($\$100 \times 5$))			\$10,000	60,000	140
\$200		50X w/ 50X SYMBOL	\$10,000	60,000	140
\$100		100X w/ FORTUNE	\$10,000	60,000	140
\$10,000 w/ GOLD BARS			\$10,000	120,000	70
\$10,000			\$10,000	120,000	70
MONEYBAG w/ (($\$5,000 \times 5$) + ($\$1,000 \times 25$))			\$50,000	1,680,000	5
\$500		100X w/ FORTUNE	\$50,000	1,680,000	5
\$1,000		50X w/ 50X SYMBOL	\$50,000	1,680,000	5
\$50,000			\$50,000	1,680,000	5
\$100		(50X w/ 50X SYMBOL) $\times 2$	\$250,000	1,680,000	5
\$250,000			\$250,000	1,680,000	5
\$100 $\times 2$		(50X w/ 50X SYMBOL) $\times 2$	\$500,000	1,680,000	5
\$5,000		100X w/ FORTUNE	\$500,000	1,680,000	5
\$500,000			\$500,000	1,680,000	5
\$5,000,000			\$5,000,000	1,680,000	5

Reveal a "Gold Bars" (GOLD) symbol, win prize shown under that symbol automatically.

Reveal a "Shield" (PLUS50) symbol, add \$50 to the prize shown under that symbol and win that amount.

Reveal a "\$500 Burst" (WIN500) symbol, win \$500 instantly.

Reveal a "Moneybag" (WINALL) symbol, win all 30 prizes shown!

FAST CASH: Reveal a "\$75 Bill" (WIN75) symbol, win \$75! Reveal a "\$100 Bill" (WIN100) symbol, win \$100! Reveal a "\$200 Bill" (WIN200) symbol, win \$200! FAST CASH is played separately.

FORTUNE BONUS: Reveal a "50X" (50TIMES) symbol in either 50X BONUS spot, win 50 TIMES any prize won in the main play area. Reveal a "FORTUNE" (100TIMES) symbol in the 100X spot, win 100 TIMES any prize won in the main play area!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Five Million Fabulous Fortune instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000.

Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Five Million Fabulous Fortune, prize money from winning Five Million Fabulous Fortune instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Five Million Fabulous Fortune instant lottery game,

the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Five Million Fabulous Fortune or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1991. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Love \$tinks Instant Lottery Game 1620

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Love \$tinks (hereafter “Love \$tinks”). The game number is PA-1620.

2. *Price:* The price of a Love \$tinks instant lottery game ticket is \$2.

3. *Play symbols:* Each Love \$tinks instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “STINKIN’ LOVE BONUS” area. The “STINKIN’ LOVE BONUS” area is played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the “STINKIN’ LOVE BONUS” area, are: NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol, NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol and a \$ (PRIZE) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$14,000 (FORTNTHO). The prize symbols and their captions, located in the “STINKIN’ LOVE BONUS” area, are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$14,000. The prizes that can be won in the “STINKIN’ LOVE BONUS” area, are: \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100 and \$500. A player can win up to nine times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 5,400,000 tickets will be printed for the Love \$tinks instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a With Love Second-Chance Drawing for which non-winning Love \$tinks instant lottery game tickets may be eligible as provided for in section 10.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$14,000 (FORTNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$14,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$40.⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$40.⁰⁰ (FORTY) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which a \$ (PRIZE) symbol appears in the “STINKIN’ LOVE BONUS” area and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the “prize” area under that \$ (PRIZE) symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“STINKIN’ LOVE BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
	\$2 w/ \$ SYMBOL	\$2	13.64	396,000
\$2		\$2	30	180,000
\$2 × 2		\$4	150	36,000
\$2	\$2 w/ \$ SYMBOL	\$4	60	90,000
	\$4 w/ \$ SYMBOL	\$4	60	90,000
\$4		\$4	150	36,000
	\$5 w/ \$ SYMBOL	\$5	50	108,000
\$5		\$5	150	36,000
\$2 × 5		\$10	500	10,800
\$5 × 2		\$10	500	10,800
\$5	\$5 w/ \$ SYMBOL	\$10	75	72,000
	\$10 w/ \$ SYMBOL	\$10	100	54,000
\$10		\$10	500	10,800
\$5 × 4		\$20	1,500	3,600
\$2 × 5	\$10 w/ \$ SYMBOL	\$20	300	18,000
	\$20 w/ \$ SYMBOL	\$20	300	18,000
\$20		\$20	1,500	3,600
\$10 × 4		\$40	2,000	2,700
(\$4 × 2) + (\$2 × 6)	\$20 w/ \$ SYMBOL	\$40	1,200	4,500

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“STINKIN’ LOVE BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
	\$40 w/ \$ SYMBOL	\$40	1,200	4,500
\$40		\$40	2,000	2,700
\$10 × 5		\$50	4,000	1,350
\$5 × 8	\$10 w/ \$ SYMBOL	\$50	2,000	2,700
\$10 × 3	\$20 w/ \$ SYMBOL	\$50	1,714	3,150
	\$50 w/ \$ SYMBOL	\$50	2,000	2,700
\$50		\$50	4,000	1,350
\$20 × 5		\$100	120,000	45
(\$10 × 5) + \$40	\$10 w/ \$ SYMBOL	\$100	6,000	900
\$10 × 8	\$20 w/ \$ SYMBOL	\$100	6,000	900
\$50	\$50 w/ \$ SYMBOL	\$100	6,000	900
	\$100 w/ \$ SYMBOL	\$100	6,000	900
\$100		\$100	120,000	45
\$100 × 5		\$500	120,000	45
(\$100 × 2) + (\$50 × 4) + \$40 + \$20	\$40 w/ \$ SYMBOL	\$500	120,000	45
\$100 × 4	\$100 w/ \$ SYMBOL	\$500	120,000	45
	\$500 w/ \$ SYMBOL	\$500	120,000	45
\$500		\$500	120,000	45
(\$100 × 2) + (\$50 × 6)	\$500 w/ \$ SYMBOL	\$1,000	540,000	10
\$1,000		\$1,000	540,000	10
\$14,000		\$14,000	540,000	10

STINKIN’ LOVE BONUS: Reveal a “\$” (PRIZE) symbol, win prize shown under that symbol! STINKIN’ LOVE BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* The With Love Second-Chance Drawing from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the “Drawing”):

(a) *Qualifying Tickets:* Non-winning PA-1618 Cash Crush (\$5), PA-1620 Love \$tinks (\$2) and PA-1621 Steal Your Heart (\$1) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing’s promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery’s official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful sub-

mission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one With Love Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. December 25, 2022, through 11:59:59 p.m. February 16, 2023, will be entered into the Drawing tentatively scheduled to be held between February 21, 2023 and March 6, 2023.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1618 Cash Crush (\$5) = five entries, PA-1620 Love \$tinks (\$2) = two entries and PA-1621 Steal Your Heart (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$14,000, less required income tax withholding.

(ii) The third through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$4,000.

(iii) The seventeenth through the thirtieth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,400.

(iv) The thirty-first through the forty-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$400.

(v) The forty-fifth through the ninety-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Love \$tinks instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of Love \$tinks, prize money from winning Love \$tinks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Love \$tinks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Love \$tinks or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1992. Filed for public inspection December 23, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Steal Your Heart Instant Lottery Game 1621

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Steal Your Heart (hereafter "Steal Your Heart"). The game number is PA-1621.

2. *Price:* The price of a Steal Your Heart instant lottery game ticket is \$1.

3. *Play symbols:* Each Steal Your Heart instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area, are: Cupid (CUPID) symbol, Kiss (KISS) symbol, Lock (LOCK) symbol, Key (KEY) symbol, Rose (ROSE) symbol, Cupcake (CUPCAKE) symbol, Candy (CANDY) symbol, Love Letter (LETTER) symbol, Arrow (ARROW) symbol, Dove (DOVE) symbol, Ring (RING) symbol, Hearts (HEARTS) symbol, Mask (MASK) symbol and a LOVE (LOVE) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1,400 (FORTNHUN).

5. *Prizes:* The prizes that can be won in this game, are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$500 and \$1,400. A player can win up to five times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 5,400,000 tickets will be printed for the Steal Your Heart instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a With Love Second-Chance Drawing for which non-winning Steal Your Heart instant lottery game tickets may be eligible as provided for in section 10.

8. *Determination of prize winners:*

(a) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of \$1,400 (FORTNHUN) appears in the "Prize" area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$1,400.

(b) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of

\$20.⁰⁰ (TWENTY) appears in the “Prize” area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “Prize” area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets upon which a LOVE (LOVE) symbol appears in the play area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “Prize” area under that LOVE (LOVE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “Prize” area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of

\$2.⁰⁰ (TWO DOL) appears in the “Prize” area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the “Prize” area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets upon which a Mask (MASK) symbol appears in the play area and a prize symbol of FREE (TICKET) appears in the “Prize” area under that Mask (MASK) symbol, on a single ticket, shall be entitled to a prize of one Steal Your Heart instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Reveal A “Mask” (MASK) Symbol, Win PRIZE Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
FREE	FREE \$1 TICKET	10	540,000
\$1 × 2	\$2	28.57	189,000
\$2	\$2	33.33	162,000
\$1 × 5	\$5	40	135,000
(\$2 × 2) + \$1	\$5	500	10,800
\$5	\$5	1,000	5,400
\$2 × 5	\$10	1,000	5,400
\$5 × 2	\$10	1,000	5,400
(\$2 × 2) + \$5 + \$1	\$10	1,000	5,400
\$10 w/ LOVE	\$10	66.67	81,000
\$10	\$10	1,000	5,400
\$5 × 4	\$20	12,000	450
\$10 × 2	\$20	12,000	450
(\$10 w/ LOVE) + (\$2 × 2) + \$5 + \$1	\$20	1,600	3,375
(\$10 w/ LOVE) + (\$5 × 2)	\$20	1,500	3,600
(\$10 w/ LOVE) + \$10	\$20	1,500	3,600
(\$10 w/ LOVE) × 2	\$20	1,500	3,600
\$20	\$20	12,000	450
\$10 × 5	\$50	120,000	45
(\$20 × 2) + (\$5 × 2)	\$50	120,000	45
(((\$10 w/ LOVE) × 2) + (\$5 × 2) + \$20	\$50	12,000	450
(((\$10 w/ LOVE) × 3) + (\$10 × 2)	\$50	12,000	450
(\$10 w/ LOVE) × 5	\$50	12,000	450
\$50	\$50	120,000	45
\$20 × 5	\$100	120,000	45
\$50 × 2	\$100	120,000	45
(\$10 w/ LOVE) + (\$20 × 2) + \$50	\$100	24,000	225
(((\$10 w/ LOVE) × 2) + \$50 + \$20 + \$10	\$100	24,000	225
\$100	\$100	120,000	45

<i>Reveal A "Mask" (MASK) Symbol, Win PRIZE Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$100 × 5	\$500	540,000	10
\$500	\$500	540,000	10
\$1,400	\$1,400	540,000	10

Reveal a "LOVE" (LOVE) symbol, win \$10 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* The With Love Second-Chance Drawing from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1618 Cash Crush (\$5), PA-1620 Love \$tinks (\$2) and PA-1621 Steal Your Heart (\$1) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one With Love Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. December 25, 2022, through 11:59:59 p.m. February 16, 2023, will be entered into the Drawing tentatively scheduled to be held between February 21, 2023 and March 6, 2023.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price

and corresponding number of entries for the Qualifying Ticket is as follows: PA-1618 Cash Crush (\$5) = five entries, PA-1620 Love \$tinks (\$2) = two entries and PA-1621 Steal Your Heart (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$14,000, less required income tax withholding.

(ii) The third through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$4,000.

(iii) The seventeenth through the thirtieth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,400.

(iv) The thirty-first through the forty-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$400.

(v) The forty-fifth through the ninety-fourth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus

Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Steal Your Heart instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of Steal Your Heart, prize money from winning Steal Your Heart instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Steal Your Heart instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Steal Your Heart or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1993. Filed for public inspection December 23, 2022, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, December 8, 2022, and announced the following:

Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective November 16, 2022

Department of Human Services # 14-549: Interrelationship of Providers (rescinds § 1101.51(c)(3), which prohibits providers that share space from enrolling in the Medical Assistance program)

Liquor Control Board # 54-96: Promotion with Licenses (amends Title 40, Part I, Chapter 13 by revising Sections 13.81 and 13.231 (relating to samples of liquor; general provisions) to clarify liquor promotions requirements, expand the monthly amount of liquor that can be used for promotion, and adjusts the cost of promotional product to be consistent with the Liquor Code)

Actions Taken—Regulations Approved:

State Board of Vehicle Manufacturers, Dealers, and Salespersons # 16A-6015: Fee Increase (amends 49 Pa. Code § 19.4)

PA Human Relations Commission # 52-013: Protected Classes (amends 16 Pa. Code Chapter 41 by adding new Subchapter D (relating to protected classes))

Approval Order

Public Meeting Held
December 8, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Vehicle Manufacturers, Dealers and Salespersons—
Fee Increase*

Regulation No. 16A-6015 (# 3305)

On May 26, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board). This rulemaking amends 49 Pa. Code § 19.4. The proposed regulation was published in the June 12, 2021 *Pennsylvania Bulletin* with a public comment period ending on July 12, 2021. The final-form regulation was submitted to the Commission on October 26, 2022.

This regulation increases, on a graduated basis, the application and biennial renewal fees for vehicle salesper-

sons, manufacturer or distributor representatives, manufacturers, manufacturer or distributor branches, distributors, dealers, auctions and dealer branch lots.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. 818.302(a)(9) and 818.330(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
December 8, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson, Dissenting; John J. Soroko, Esq., Dissenting; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Human Relations Commission—
Protected Classes
Regulation No. 52-13 (# 3339)*

On March 23, 2022, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Human Relations Commission (PHRC). This rulemaking amends 16 Pa. Code Chapter 41 by adding new Subchapter D (relating to protected classes). The proposed regulation was published in the April 9, 2022 *Pennsylvania Bulletin* with a public comment period ending on May 9, 2022. The final-form regulation was submitted to the Commission on October 18, 2022.

This rulemaking creates a new Subchapter relating to religious creed discrimination, sex discrimination and race discrimination. It defines the terms “religious creed,” “sex,” and “race” as used in the Pennsylvania Human Relations Act (43 P.S. §§ 951—963) and the Pennsylvania Fair Educational Opportunities Act (24 P.S. §§ 5001—5010).

We have determined this regulation is consistent with the statutory authority of the PHRC (43 P.S. §§ 957(d) and 959(g)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-1994. Filed for public inspection December 23, 2022, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-337	Pennsylvania Public Utility Commission Application of 52 Pa. Code Section 3.501 to Certificated Water and Wastewater Utility Acquisitions, Mergers, and Transfers 52 Pa.B. 4926 (August 13, 2022)	11/10/22	12/12/22

**Pennsylvania Public Utility Commission
Regulation # 57-337 (IRRC # 3349)**

**Application of 52 Pa. Code Section 3.501 to
Certificated Water and Wastewater Utility
Acquisitions, Mergers, and Transfers**

December 12, 2022

We submit for your consideration the following comments on the proposed rulemaking published in the August 13, 2022 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Compliance with the provisions of the RRA or the regulations of this Commission in promulgating the regulation.

According to the PUC, this proposal is intended to streamline requirements for established public utilities that seek to acquire another water or wastewater provider, reduce requirements that are no longer need, and to update provisions related to acquisitions and accounting obligations.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

This Commission's regulations in 1 Pa. Code 305.1(b)(1) require an agency to submit a complete RAF when it delivers a proposed rulemaking. The RAF submitted with this proposal provides answers to all of the questions in the RAF, but some of the answers do not provide enough information to determine if the regulation is in the public interest. We ask the PUC to include additional information to the following sections of the RAF when it submits the final-form regulation:

- Sections 14 and 15, related to the number and types of persons, businesses, small businesses and organizations that will be affected by the regulation. In Section 14, the PUC states it "does not classify public utilities or municipal entities subject to PUC jurisdiction as small or large according to the number of employees or their annual revenues as specified in 13 CFR § 121.201 under 71 P.S. § 745.3." Although the PUC may not classify public utilities and entities subject to this regulation in that manner, the RRA requires such a classification and that information should be included in the RAF submitted with the final rulemaking. In addition, how many Class A, B

and C water and wastewater utilities are there in the Commonwealth and how many customers do they currently serve?

- Sections 19, 20 and 21, related to a specific cost and or/or savings estimates for the regulated community, local government and state government and how the dollar amounts were derived.
- Section 29, related to a schedule of review of the regulation. The expected effective date of the final-form regulation and the expected date by which compliance with the final-form regulation will be required are particularly important to include because Section 3.503, relating to system of accounts for wastewater utilities, and Section 65.16, relating to system of accounts for water utilities, impose obligations on public utilities that must be completed "1 year from the effective date of this section[s]."

2. Clarity.

Proposed amendments in this rulemaking include references to Class A, Class B and Class C water and wastewater applications and utilities. The terms water system, water supplier, water service, waterworks, wastewater system, wastewater utility and wastewater collection, treatment or disposal provider are also referenced in the rulemaking. The terms appear in several chapters and sections of the rulemaking. The criteria for Class A, Class B and Class C wastewater utilities are included in § 3.503, and the criteria for Class A, Class B and Class C water utilities are included in § 65.16. We ask the PUC to review the inclusion of each of these terms throughout the rulemaking to ensure they are being used in the correct context. If certain terms have the same meaning, we suggest that only one of the terms be used. We also suggest that the PUC define the terms that are being used and include those definitions in the appropriate sections or chapters of the rulemaking.

3. Section 3.501. Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.—Need; Reasonableness; Implementation procedures; Fiscal impact; Adverse effects on prices of goods and services, productivity or competition.

Commentators from the water and wastewater utility industry have provided comments and suggestions on this section that request more flexibility, less reporting and public notification requirements and further streamlining of the application and approval process. In addition, these commentators have suggested that the PUC form a stakeholder working group to resolve concerns they have with the rulemaking. Commentators representing the interests of water and wastewater utility customers have expressed concerns with proposed changes to public notification requirements and the potential impact the rulemaking could have on low-income customers. We acknowledge the efforts of the PUC to involve the regulated community in the development of this proposal thus far via the Advanced Notice of Proposed Rulemaking that was issued in April of 2022. A cornerstone of the RRA is

the reaching of consensus among this Commission, the designated standing committees of the General Assembly, interested parties and the promulgating agency. We encourage the PUC to continue their efforts to build consensus and to engage in further discussions with all interested parties that have provided input on this rulemaking.

Subsection a—New applicant, Class B, Class C, and non-acquisition Class A water and wastewater applications.

This subsection requires the submittal of certain information or documentation with applications. A commentator has asked if this subsection applies to simple main extensions to serve existing or proposed developments. We ask the PUC to explain how this rulemaking will be applied to these types of extensions and, if necessary, to amend the rulemaking to clarify how they will be regulated.

A commentator representing the interests of low-income utility customers has suggested that language be added to Subsections (a)(3), relating to customers, and (a)(4), relating to rates, that would require applicants to quantify and analyze the impact of a streamlined transaction on low-income customers. We ask the PUC to quantify the potential fiscal impact these transactions could have on low-income customers and to include that information in the RAF submitted with the final rulemaking. We also ask the PUC to explain what protections are in place to ensure low-income customers are not economically harmed by the rulemaking.

Subsection b—Class A water and wastewater acquisition applications.

This new subsection applies to applicants that currently provide service which seek a certificate of public convenience to acquire public water distribution or wastewater collection, treatment or disposal systems. It details the information that must be supplied with the application. The Preamble submitted with the rulemaking discusses comments posed by the PUC in the ANOPR and commentator responses to those questions. However, the Preamble does not provide a specific rationale or explanation of the need for the information to be included with the application. We note that many of the comments received on this subsection from industry representatives either question the need for certain information or provide alternatives to the information requested. In the Preamble to the final-form regulation, we ask the PUC to provide an explanation of the need for the information that is being requested in each of the seven paragraphs of this subsection. We also ask the PUC to consider and respond to the questions and recommendations of the commentators, including the suggestion to include a waiver provision for documentation that is not available or does not exist.

Subsection (b)(1), related to plant in service, requires applicants to provide an inventory or estimate of lead service lines (LSLs) and damaged wastewater service laterals (DWSLs) of the water or wastewater systems they intend to acquire. Commentators from the industry oppose this provision because they believe it creates additional delays. They also believe it would be difficult to provide the required information because, at the time of application, they do not own the system they intend to

acquire. They also question the PUC's belief that an experienced utility can develop an inventory of LSLs and DWSLs based on the age of the system and due diligence. Commentators that represent customers believe the information being required is vital because the acquiring system needs to understand the potential costs to replace or fix the LSLs or DWSLs. They believe those costs will ultimately be passed on to the customers through increased utility rates. In the Preamble to the final regulation, we ask the PUC to explain in greater detail how acquiring utilities can provide the inventory or estimate that is required. Would a lack of this information prevent the PUC from approving a transaction under this subsection? Are there any statutory or regulatory provisions that would lessen any potential cost increases in the form of higher rates that may be passed on to customers? We ask that this also be explained in the Preamble submitted with the final rulemaking.

Subsection c—Metering verification.

This subsection requires an applicant seeking to provide water service to include verification that the water sources and customers are metered in accordance with Section 65.7, relating to metered service. Similar to our concern above, the Preamble to this rulemaking does not explain the rationale for this provision and commentators have questioned the need for it. In addition, Section 65.7 requires metered service for water service to customers, but it does not require meters for water sources. In the Preamble to the final regulation, we ask the PUC to explain the rationale for this subsection and to explain how an applicant can comply with the metering of water sources.

Subsection (f)—Notice.

Amendments to this subsection decrease the protest period from 60 days to 30 days. The requirement to publish notice of an application in a newspaper of general circulation located in the territory covered by the application is also amended from "daily for 2 consecutive weeks" to "once a week for 2 consecutive weeks." The Office of Consumer Advocate (OCA) opposes both of these amendments because they believe it will adversely impact a person's ability to be informed and to participate in the review of the application by those it will affect. OCA also offers suggestions for additional methods of public notification and information to be included in the notifications. In the Preamble to the final regulation, we ask the PUC to explain the rationale for the shortened protest period and the decreased notification requirements published in newspapers. We also ask the PUC to explain how the benefits of these particular amendments, a more streamlined application process, outweigh the potential negative impact of less participation by the public and interested parties in the review of applications.

4. Section 3.502. Protests to applications for certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.—Reasonableness; Implementation procedures; Clarity.

Subsection (d) is being amended to shorten the protest period from 60 days to 30 days. Commentators, including the OCA opposes this change for the same reasons noted above. We ask the PUC to address this issue in its response to comments on this section of the rulemaking.

In addition, Subsection (d) is being amended to allow the protest period to be extended for “good cause shown.” In determining whether good cause has been shown, this subsection states the PUC “will take into account whether scheduling a municipal meeting has caused hardship for a timely protest.” Is the scheduling of a municipal meeting the only reason a protest could be extended? In the Preamble to the final-form regulation, we ask the PUC how it will implement this “good cause” provision.

5. Section 3.503. System of accounts for wastewater utilities.—Clarity.

In the Preamble to this proposed rulemaking, the PUC states this new section is “simply a placeholder reference until such time as the proposed revisions to Chapter 66 of the Commission’s regulations are final.” The PUC’s Chapter 66, regulations, relating to wastewater service, were included in PUC regulation # 57-330 (Rulemaking to Implement Act 120 of 2018) (IRRC # 3298). That rulemaking was approved by this Commission on May 19, 2022. It was published as a final rule in the *Pennsylvania Bulletin* on July 23, 2022. Since Chapter 66 has been promulgated, we encourage the PUC to delete this section from the final-form regulation and move it to Chapter 66.

In addition, Subsection (d) of this section and Subsection (d) of Section 65.16, relating to system of accounts for water utilities, state that public utilities subject to this section shall have until “1 year from this the effective date of this section” to convert to the most recent system of accounts of the National Association of Regulatory Utility Commissioners. We ask the PUC to amend the quoted language in both subsections to allow the Legislative Reference Bureau to insert a specific date of compliance when this rulemaking is published as a final regulation.

6. Miscellaneous clarity.

The first and second sentences of § 3.501(f) are repetitive. The first sentence should be deleted.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-1995. Filed for public inspection December 23, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Diamond Healthcare at Brookmont, LLC

Diamond Healthcare at Brookmont, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Brookmont Healthcare and Rehabilitation Center in Effort, PA. The initial filing was received on November 23, 2022, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each

written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1996. Filed for public inspection December 23, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Mulberry Healthcare Operating, LLC

Mulberry Healthcare Operating, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Mulberry Healthcare and Rehabilitation Center in Punxsutawney, PA. The initial filing was received on November 15, 2022, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1997. Filed for public inspection December 23, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Ridgeview Healthcare Operating, LLC

Ridgeview Healthcare Operating, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Ridgeview Healthcare and Rehabilitation Center in Curwensville, PA. The initial filing was received on November 15, 2022, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1998. Filed for public inspection December 23, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Scenery Hill Nursing and Rehabilitation, LLC

Scenery Hill Nursing and Rehabilitation, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Scenery Hill Healthcare and Rehabilitation Center in Indiana, PA. The initial filing was received on December 6, 2022, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1999. Filed for public inspection December 23, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Geisinger Health Plan; (GSHP-133489412) Small Group HMO—Transitional Filing; Rate Filing

Geisinger Health Plan submitted a rate filing for its small group HMO nongrandfathered (for example, transitional) plans. The filing proposes a flat rate adjustment of 6.9% and will affect approximately 1,165 members with policies renewing from June 2023 through December 2023.

Unless formal administrative action is taken prior to March 10, 2023, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To view this filing click on the "Consumers" tab then select "Product Notices" under "Resources."

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-2000. Filed for public inspection December 23, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Geisinger Quality Options; (GSHP-133489424) Small Group PPO—Transitional Filing; Rate Filing

Geisinger Quality Options submitted a rate filing for its small group PPO nongrandfathered (for example, transitional) plans. The filing proposes a rate adjustment of 7.6% and will affect approximately 3,944 members with policies renewing from June 2023 through December 2023.

Unless formal administrative action is taken prior to March 10, 2023, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To view this filing click on the "Consumers" tab then select "Product Notices" under "Resources."

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-2001. Filed for public inspection December 23, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

William Pabon; License Denial Appeal; Doc. No. AG22-12-013

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), William Pabon has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for January 30, 2023, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on

or before January 26, 2023. A date for a hearing will be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before January 17, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before January 26, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-2002. Filed for public inspection December 23, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Act 127 of 2011—The Gas and Hazardous Liquids Pipeline Act; Assessment of Pipeline Operators—Jurisdiction Over Class 1 Gas Gathering Lines and Certain LNG Facilities; Assessment of Pipeline Operators

Public Meeting held
December 8, 2022

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

Act 127 of 2011—The Gas and Hazardous Liquids Pipeline Act; Assessment of Pipeline Operators—Jurisdiction over Class 1 Gas Gathering Lines and Certain LNG Facilities; Assessment of Pipeline Operators; M-2012-2282031

Implementation Order

By the Commission:

On November 15, 2021, the final Gas Gathering Rule of the U.S. Department of Transportation’s (DOT’s) Pipeline and Hazardous Materials Safety Administration’s (PHMSA) was published in the *Federal Register* (PHMSA’s Final Rule).¹ Due to PHMSA’s Final Rule making amendments to Federal pipeline safety regulations, in this Implementation Order the Commission clarifies its jurisdiction over Class 1 gas gathering lines and certain liquefied natural gas (LNG) facilities under the Gas and Hazardous Liquids Pipelines Act, 58 P.S. § 801.101 et seq. or “Act 127.”

¹ See Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments, Docket No. PHMSA-2011-0023, Federal Register 86: 217 (November 15, 2021) p. 63266, available at Govinfo.gov <https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24240.pdf>.

Background

The Commonwealth of Pennsylvania, via the Commission, participates as a certified state in the pipeline safety program administered by the U.S. DOT’s PHMSA, pursuant to the federal Pipeline Safety Act (PSA). 49 U.S.C. §§ 60101 et seq., at 49 U.S.C. § 60105(a).² Act 127 establishes the Commission’s authority to regulate non-public utility gas and hazardous liquid pipeline operators and pipeline facilities within the Commonwealth and establishes the applicable safety standards as being those issued under Federal pipeline safety laws and implemented in PHMSA’s regulations, including all subsequent amendments thereto. 58 P.S. §§ 801.302, 801.501. “Pipeline operator” is defined in Act 127 as a person that owns or operates equipment or facilities in this Commonwealth for the transportation of gas or hazardous liquids by pipeline³ or pipeline facility⁴ regulated under Federal pipeline safety laws, excluding a public utility or an ultimate consumer who owns a service line on their own real property. 58 P.S. § 801.102. Pursuant to Act 127, amendments to Federal pipeline safety laws and regulations shall have the effect of amending or modifying the Commission-enforceable pipeline safety standards. Such amendments, however, take effect 60 days after the federal amendment’s effective date. 58 P.S. § 801.302(b).

Discussion

Commission’s Prior Act 127 Implementation Orders

The Commission has previously interpreted its authority under Act 127 in prior implementation orders. See Act 127 of 2011—The Gas and Hazardous Liquids Pipeline Act; Assessment of Pipeline Operators, Docket No. M-2012-2282031 (Final Implementation Order entered February 17, 2012) (Act 127 Implementation Order); see also Act 127 of 2011—The Gas and Hazardous Liquids Pipeline Act; Assessment of Pipeline Operators—Jurisdiction over Class 1 Transmission, Docket No. M-2012-2282031 (Final Order entered June 7, 2012) (Act 127 Final Order).

In these prior implementation orders, the Commission determined its jurisdiction under Act 127: (1) included Class 1 transmission pipelines and pipeline facilities since these lines are conventionally regulated by PHMSA under the Federal pipeline safety laws; but (2) excluded Class 1 gathering pipelines and pipeline facilities since these lines were not regulated by PHMSA under the Federal pipeline safety laws. See Act 127 Implementation Order at 4; see also Act 127 Final Order at 1-2. As a result, the Commission decided that pipeline operators that own or operate only Class 1 gathering lines need not register with the Commission. Specifically, the Commission stated:

We acknowledge our authority under Act 127 is limited to pipeline operators and pipeline facilities subject to Federal pipeline safety laws. . . If a person

² The Commission certifies annually to the Secretary of the U.S. DOT that it meets all requirements under the PSA, including but not limited to the adoption and enforcement of the federal standards as the state’s own minimum standards. 49 U.S.C. §§ 60104(c); 60105, 60106; 49 C.F.R. Part 195, Appendix A to Part 195—Delineation Between Federal and State Jurisdiction—Statement of Agency Policy and Interpretation. PHMSA retains jurisdiction over interstate pipelines. The Commission currently does not serve as PHMSA’s agent to assist with PHMSA’s oversight of interstate pipelines. 49 U.S.C. § 60106.

³ The term “pipeline” means “[a] part of the physical facilities through which gas or hazardous liquids move in transportation, including a pipe valve and other appurtenance attached to the pipe, compressor unit, metering station, regulator station, delivery station, holder and fabricated assembly. The term only includes pipeline regulated by Federal pipeline safety laws. The term does not include a pipeline subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.” 58 P.S. § 801.102.

⁴ The term “pipeline facility” means “[a] new or existing pipeline, right-of-way and any equipment, facility or building used in the transportation of gas or hazardous liquids or in the treatment of gas or hazardous liquids during the course of transportation. The term does not include a pipeline facility subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.” 58 P.S. § 801.102.

operates pipelines that are located solely in Class 1 locations and that have no distribution service, such pipelines are currently not jurisdictional under Act 127 and the person need not register as a pipeline operator.

Act 127 Implementation Order at 4.

The Commission further clarified that Class 1 transmission lines must register:

The Implementation Order addressed various jurisdictional issues relating to Class 1 gathering lines. As the Commission has been implementing Act 127, we have noted that the Act 127 implementation Order does not sufficiently highlight the different jurisdictional status for natural gas transmission pipelines and pipeline facilities in Class 1 locations. Therefore, the purpose of this order is to modify the Act 127 Implementation Order to clarify that transmission pipelines and pipeline facilities in Class 1 locations are subject to federal pipeline safety laws and therefore are within the jurisdiction of the Commission under Act 127.

* * * * *

However, the Commission's analysis and disposition [in the Act 127 Implementation Order]... simply stated "pipelines" and did not distinguish between gathering pipelines in Class 1 locations, which are not regulated by the federal pipeline safety laws, and transmission pipelines which are regulated by the federal pipeline safety laws in all class locations. See 49 C.F.R. § 192.8.

The Commission is issuing this Final Order to amend the February 16, 2012 Act 127 Implementation Order to make clear that pipeline operators of Class 1 transmission pipelines and pipeline facilities are jurisdictional to PHMSA, and therefore the Commission, and must register such lines with the Commission. Along with this Final Order, the Commission is issuing a revised registration form that more clearly indicates the Commission's jurisdiction over Class 1 transmission lines.

Act 127 Final Order at 1-2.

PHMSA's Final Rule

As noted above, on November 15, 2021, PHMSA published the Final Rule. On May 4, 2022, PHMSA issued a notice of a technical correction to PHMSA's Final Rule, which was published in the Federal Register.^{5,6} See *Safety of Gas Gathering Pipelines: Extension of Reporting*

⁵ The notice also made clarifications and two amendments with technical corrections to the Final Rule. Specifically, PHMSA (1) issued a technical correction amending the safety-related condition report requirements in § 191.23 consistent with statements in the preamble to the final rule, and (2) clarified that operators may, when identifying Type C gas gathering lines pursuant to § 192.8, use the default specified minimum yield strength ("SMYS") at § 192.107(b)(2) when the yield strength is not known. PHMSA also issued a technical correction amending § 192.8 to align the regulatory text with statements in the final rule facilitating operators' consideration of MAOP in making threshold determinations that gas gathering facilities qualify as Type C lines., which are not required by § 192.9(e)-(f) to establish MAOP pursuant to § 192.619, were to be exempted from the safety-related condition reporting requirement. 86 FR at 63275. PHMSA, therefore, issued a technical correction revising § 191.23(b)(1) to clarify that safety-related condition reporting of MAOP exceedances is not required for operators of Type C gathering lines with an outside diameter of less than 12.75 inches.

⁶ The notice also memorialized a limited enforcement discretion in connection with the Final Rule's amendment of the regulatory definition of "incidental gathering." PHMSA said it will exercise its discretion, during the pendency of its consideration of amendments to § 192.8(a)(5) to be announced in a forthcoming supplemental notice of proposed rulemaking ("SNPRM") under RIN 2137—AF37 to enforce the Final Rule's ten-mile limitation on "incidental gathering" only in connection with gas gathering lines that are newly construction after May 16, 2022. Specifically, PHMSA will not enforce the Final Rule's 10-mile limitation in connection with repair, replacement, or change of gathering lines existing on or before May 16, 2022, that are currently considered "incidental gathering" lines. PHMSA will memorialize this enforcement discretion within implementation material for PHMSA inspectors and recommend that its state partners do the same.

Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments, Docket No. PHMSA 2011-0023, Federal Register 87: 86 (May 4, 2022) p. 26296, available at Govinfo.gov <https://www.govinfo.gov/content/pkg/FR-2022-05-04/pdf/2022-09474.pdf> (Last accessed 5/25/22).

Prior to PHMSA's Final Rule, PHMSA applied 49 CFR Parts 191 and 192 to gas gathering lines only in Class 2, Class 3, and Class 4 locations. This meant Class 1 gathering lines were exempted from Part 191 and Part 192 regulation. In PHMSA's Final Rule, however, PHMSA changes this regulatory scheme by extending regulation to Class 1 gas gathering lines. A Class 1 location is an offshore pipeline or an onshore pipeline that has 10 or fewer buildings intended for human occupancy within a 1-mile-long class location unit. 49 C.F.R. § 192.5.

In the Final Rule, PHMSA defines two new categories of gathering lines—Type C and Type R lines, in addition to the existing Type A and Type B lines. Specifically:

- Type A lines are larger gathering pipelines that operate at higher stress levels in Class 2, Class 3, or Class 4 locations. Operators of Type A lines must comply with most of Part 192.
- Type B lines are gathering pipelines that operate at lower pressures in certain Class 2 locations and in Class 3 and Class 4 locations. Operators of Type B lines are required to comply with a more limited set of the Part 192 requirements.
- Type C lines are gathering lines in Class 1 locations that are 8.625 inches or greater in diameter and are (1) metallic, with a maximum allowable operating pressure (MAOP), producing a hoop stress of 20% or more of specified minimum yield strength; (2) metallic, with an MAOP greater than 125 psig if the hoop stress is unknown; or (3) non-metallic, with an MAOP greater than 125 psig.
- Type R lines are gas gathering pipelines in Class 1 or Class 2 locations with a diameter of less than 8.625 inches or operating below the pressure or stress level criteria in the regulations.

PHMSA's Final Rule at pp. 63268, 63275-76, 63280-81.

Within the category of Type C lines, PHMSA has imposed certain requirements for operators based on the "scale of risk associated with the particular characteristics of the pipeline." Specifically:

- Operators of Type C lines with an outside diameter of 8.625 inches or greater will be required to comply with most of the following Part 192 requirements (unless excepted):
 - Design, installation, construction, and initial inspection and testing for lines that are new, replaced, relocated, or otherwise changed after the applicable compliance date in 192.13 per transmission line requirements in Part 192;
 - Corrosion control (Part 192, Subpart I);
 - Damage prevention program (§ 192.614);
 - Emergency plans (§ 192.615);
 - Public awareness (§ 192.616);
 - Line markers (§ 192.707); and
 - Leakage surveys (§ 192.706).
- Operators of Type C lines with an outside diameter of 12.75 inches or greater will also be required to comply with these additional requirements (unless excepted):

- Applicable requirements at Part 192 for plastic pipe and components; and
- Establishment of MAOP (§ 192.619).

PHMSA's Final Rule at pp. 63281—87; 49 CFR §§ 191.1, 191.3, 191.15, 191.17, 191.29, 192.3, 192.8, 192.9, 192.13, 192.18, 192.150, 192.452, 192.619.

PHMSA created a notable exception for gathering lines that have an outside diameter of less than 16 inches and that are not located near a building intended for human occupancy or other impacted site. When a gathering line falls within this exception, PHMSA only requires that the operator comply with design, installation, construction, and initial inspection and testing for lines that are new, replaced, relocated, or otherwise changed after the applicable compliance date in 49 CFR § 192.13 per transmission line requirements in Part 192, damage prevention, and emergency plan requirements. PHMSA's Final Rule at pp. 63285-86; 49 CFR § 192.8.

Type R lines will be subject only to Part 191 incident and annual reporting requirements. Type R lines are a catch-all category for the Part 191 reporting-only regulated onshore gas gathering lines in Class 1 or Class 2 locations that do not meet the definitions of Type A, Type B, or Type C lines. PHMSA's Final Rule at pp. 63275-76; 49 CFR §§ 191.1, 191.3, 191.15, 191.17, 191.23, 191.29.

Finally, on July 8, 2022, PHMSA issued a Notice informing the public that it would refrain from exercising enforcement of Part 192.9 safety requirements on Class 1 Type C gas gathering lines with an outside diameter of between 8.625 and 12.75 inches until May 17, 2024. See Notice of Limited Enforcement Discretion For Particular Type C Gas Gathering Pipelines, available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-07/Gas%20Gathering%20Enforcement%20Discretion%20Notice%20-%20July%202022.pdf>. PHMSA recognized that some operators of Type C gathering pipelines with smaller outer diameter may face challenges complying with the 49 CFR Part 192.9 safety requirements by the May 16, 2023, compliance date established in PHMSA's Final Rule. PHMSA stated it will exercise its enforcement discretion to refrain from taking enforcement action for one additional year (i.e., from May 16, 2023, until May 17, 2024) against these affected operators for violations of safety requirements identified in Part 192.9. PHMSA stated that it expects affected operators will exercise diligence to take the necessary steps in preparation for full compliance with Part 192.9 by May 17, 2024. On and after May 17, 2024, PHMSA will begin compliance inspections on Type C gathering pipelines with outside diameters between 8.625 inches and 12.75 inches. PHMSA stated that this limited enforcement discretion has no impact on, among other provisions, each of the following: Part 191 reporting requirements for Type C and Type R lines; classification per Part 192.8 of gathering pipelines as Type C by November 16, 2022; and Part 192.9 safety requirements and compliance deadlines applicable to Type C lines with outer diameter greater than 12.75 inches.

Commission Jurisdiction Over Non-Utility Class 1 Gas Gathering Lines and Certain LNG Facilities Due to PHMSA's Final Rule

Due to the changes in PHMSA's Final Rule, pipeline operators that own or operate Class 1 gas gathering lines—Type C and Type R as defined in PHMSA's Final Rule—are jurisdictional pipeline operators to the Commission under Act 127, as of July 15, 2022, sixty days after these pipeline operators became regulated by the Federal pipeline safety laws effective May 16, 2022. 58

P.S. §§ 801.102, 801.103, 801.302, 801.501, 801.503. Additionally, any non-utility LNG facility⁷ in the Commonwealth that is fed by a Class 1 gathering line⁸ and that feeds gathering lines or trucks or rails (i.e., is not connected to the interstate pipeline system) is a jurisdictional pipeline facility as of July 15, 2022, sixty days after this type of pipeline facility became subject to Federal pipeline safety laws on May 16, 2022.⁹ 58 P.S. §§ 801.102, 801.103, 801.302, 801.501, 801.503.

Moreover, we note that Act 127 expressly prohibits the Commission from adopting or enforcing safety standards that are inconsistent with or more stringent than the applicable federal regulations. 58 P.S. §§ 801.501(a), 302(a). Hence, for Type C gathering lines, the Commission can enforce only the applicable provisions of Parts 191 and 192 as adopted under PHMSA's Final Rule to apply to Type C lines. For Type R lines, the Commission can enforce only the applicable provisions of Part 191 adopted under PHMSA's Final Rule to apply to Type R lines (i.e., only incident and annual reporting requirements under Part 191).

Phased-In Compliance Deadlines for Parts 191 and 192 Standards

In PHMSA's Final Rule, PHMSA imposed a phase-in of compliance deadlines for certain provisions of the Part 191 and Part 192 regulations. As explained above, the phased-in compliance deadlines shall take effect for Commission enforcement 60 days after the federal amendment's effective dates. 58 P.S. § 801.302(b). Below is a summary of the upcoming compliance deadlines:

- *Part 191 Reporting*

- *Incident Reports:* Report events occurring after May 16, 2022. PHMSA's Final Rule at pp. 63274-76, 63287, 63295; 49 CFR § 191.1, 191.15. Accordingly incident reports reporting events occurring after July 15, 2022, must be submitted to the Commission's Bureau of Investigation and Enforcement Safety Division by email at RA-PC-PipelineSafety@pa.gov.

- *Annual Reports:* 2022 annual report due March 15, 2023. PHMSA's Final Rule at pp 63276, 63287, 63295; 49 CFR § 191.17. Accordingly, 2022 annual reports are due to the Commission on May 15, 2023, by providing a copy to the Commission's Bureau of Investigation and Enforcement Safety Division by email at RA-PC-PipelineSafety@pa.gov, and thereafter providing a copy of the PHMSA annual report on March 15th of each year to the same email account.

- *Identify Type C lines: Federal effective date November 16, 2022; Commission effective date January 16,*

⁷ An LNG facility meets the definition of a "pipeline facility" under Act 127 because it is used to store natural gas in the transportation of natural gas and involves the treatment of natural gas (prior to liquefaction) during the course of gas transportation. 58 P.S. § 801.102.

⁸ A non-utility LNG facility that is fed by a Class 2, 3, or 4 gathering line and that feeds gathering lines, trucks, or rails (i.e., is not connected to the interstate pipeline system) is already a jurisdictional pipeline facility under Act 127.

⁹ In order for an LNG facility to be a jurisdictional "pipeline facility" pursuant to Act 127, it must: (1) not be owned and operated by a public utility or an ultimate consumer who owns a service line on its real property; (2) not be subject to the exclusive jurisdiction of Federal Energy Regulatory Commission (FERC) for siting and certificate regulation; and (3) be regulated under Federal pipeline safety laws. 58 P.S. §§ 801.102, 801.103. If the non-utility/non-ultimate consumer LNG facility is fed by a gathering line and then feeds trucks or rails, it is not connected to the interstate pipeline system because the LNG facility neither receives nor delivers natural gas to the interstate pipeline system, and, therefore, the LNG facility would not be FERC jurisdictional. To be jurisdictional under Act 127, the non-utility owned/operated LNG facility must be subject to Federal pipeline safety laws. With the changes in PHMSA's Final Rule, PHMSA now includes Type C gathering lines in Class 1 locations in Part 192 regulation. Since Class 1 gas gathering lines are now subject to the pipeline safety laws and Part 192 of the federal regulations, it follows that the operation of the LNG facilities either fed by or feeding these types of lines are subject to PHMSA's jurisdiction under Part 193.

2023—This date is the deadline for operators to identify the endpoints of newly regulated Type C lines in compliance with § 192.8(c)(2), which requires, at a minimum, knowledge only of the location, diameter, and pressure of the pipeline.¹⁰ For certain older, smaller diameter, systems, PHMSA included procedures for an operator to request an alternative compliance deadline with a notification in accordance with § 192.18. An operator must submit a written request to PHMSA in accordance with § 192.18 no later than 90 days prior to the standard compliance deadline. The request must include, at a minimum, a description of the facilities that require a delayed compliance date, the justification for an alternative compliance deadline, and the proposed alternative compliance deadline. An operator may proceed with their proposed compliance deadline if they receive a

no-objection letter from PHMSA or if PHMSA does not reply within 90 days. If delayed identification impacts an operator’s ability to comply with the requirements in § 192.9, they must submit a separate notification to request delayed compliance under that section. PHMSA’s Final Rule at p. 63281, 63296; 49 CFR § 192.8(a)(5)(b)(1)-(2).

- *Maximum allowable operating pressure (MAOP) lookback:* The MAOP will be determined using the actual operating pressure of the pipeline for the 5-year period ending May 16, 2023 (5 years preceding May 16, 2023) (unless excepted). PHMSA’s Final Rule at p. 63299; 49 CFR § 192.619.
- *Section 192.9 compliance:* The new Section 192.9(f) specifies which Part 192 requirements apply to Class 1 Type C gathering lines, summarized in PHMSA’s Final Rule as follows:

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Outside diameter	Not located near a building intended for human occupancy or other impacted site (§ 192.9(f))	Located near a building intended for human occupancy or other impacted site (§ 192.9(f))
Greater than or equal to 8.625 inches up to and including 12.75 inches.	—Design, Construction, Initial Inspection and Testing (new/replaced/relocated/changed lines). —Damage Prevention —Emergency plans	—Design, Construction, Initial Inspection and Testing (new/replaced/relocated/changed lines). —Corrosion Control. —Damage Prevention. —Emergency Plans. —Line Markers. —Public Awareness. —Leakage Surveys.
Greater than 12.75 inches up to and including 16 inches.	—Design, Construction, Initial Inspection and Testing (new/replaced/relocated/changed lines). —Damage Prevention. —Emergency Plans.	All Type C Requirements.
Greater than 16 inches	All Type C Requirements	All Type C Requirements.

PHMSA’s Final Rule at pp. 63283, 63296-97; 49 CFR § 192.9(g)(4)(i)-(ii).

○ *Section 192.9 compliance on Class 1 Type C lines that are greater than or equal to 8.625 inches in diameter but less than or equal to 12.75 inches in diameter:* Federal effective date May 16, 2024, or an alternative deadline approved by PHMSA¹¹; Commission effective date July 17, 2024, or an alternative date approved by the Commission.

○ *Section 192.9 compliance on Class 1 Type C lines that are greater than 12.75 inches in diameter:* Federal effective date May 16, 2023, or an alternative deadline approved by PHMSA; Commission effective date July 17, 2023, or an alternative date approved by the Commission.

- *Section 192.8, 192.13 compliance:* Federal effective date May 16, 2023; Commission effective date July 17, 2023. Design, installation, construction, and initial inspection and testing per transmission line requirements in part 192 for lines that are new, replaced, relocated, or otherwise changed after the applicable compliance date in § 192.13 (which is May 16, 2023); PHMSA’s Final Rule at pp. 63281—85, 63287—89, 63298; 49 CFR § 192.13(a)(3), (b).

In summary, with regard to pipeline safety standards, due to PHMSA’s Final Rule making amendments to Federal pipeline safety regulations, the Commission now has jurisdiction and authority under Act 127 to oversee a pipeline operator that owns or operates a Type C or Type R line and enforce its compliance with applicable Part 191 and Part 192 Federal pipeline safety laws, as implemented in 49 C.F.R. Subtitle B, Ch. 1, Subch. D (relating to pipeline safety). See 58 P.S. §§ 801.501(a), 302(a). As the above-described changes in federal regulations gives the Commission this new jurisdiction pursuant to Act 127, the Commission is bound to adhere to the phased-in compliance deadlines in the Final Rule, resulting in a phase-in period in excess of a year, as measured from the publication date of the PHMSA Final Rule. The phased-in compliance deadlines take effect for Commission enforcement 60 days after the federal amendment’s effective date. See 58 P.S. § 801.302(b). For purposes of pipeline safety, all pipeline operators subject to Act 127 and this

¹⁰ In the May 4, 2022 Final Rule Correction, PHMSA clarified that, in making the determination whether a gathering line is a Type C line pursuant to § 192.8(c), operators that do not know the yield strength of a steel gathering line may use the 24,000 pounds-per-square-inch default yield strength specified at § 192.107(b)(2) as a proxy for pipe SMYS used along with the pipeline operating hoop stress to determine the operating hoop stress percentage of pipe SMYS. Final Rule Correction at p. 26296. PHMSA also issued a technical correction, introducing § 192.8(c)(4), which provides that gas gathering line operators may, in connection with the threshold determination that a facility is a Type C gathering line when no MAOP has been calculated consistent with § 192.619(a) or (c)(1), use either (i) an MAOP calculated consistent with the methods at § 192.619(a) or (c)(1), or (ii) as a substitute for MAOP, the highest operating pressure to which the segment was subjected during the preceding five years. Final Rule Correction at p. 26297.

¹¹ See Notice of Limited Enforcement Discretion For Particular Type C Gas Gathering Pipelines, available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-07/Gas%20Gathering%20Enforcement%20Discretion%20Notice%20-%20July%202022.pdf>.

Implementation Order shall comply with the phased-in compliance deadlines for Part 191 and Part 192 compliance as discussed above.

Pipeline Operator Registry and Assessments

Pursuant to Act 127, all newly jurisdictional pipeline operators will be subject to the Commission's statutory obligation to maintain a pipeline operator registry and determine annual assessments. More specifically, Act 127 requires the Commission to develop and maintain a registry of pipeline operators within the Commonwealth of Pennsylvania. 58 P.S. § 801.301. Additionally, Act 127 imposes a duty on the Commission to assess jurisdictional pipeline operators on an annual basis to cover the Commission's total costs of running its pipeline safety program as adjusted to exclude costs otherwise reimbursed by the Federal Government. 58 P.S. § 801.53(a), (b). For the newly jurisdictional Class 1 gas gathering pipeline operators, the Commission must determine an appropriate annual assessment based on intrastate regulated onshore gathering pipeline miles to collect the pipeline operator's portion of the Commission's gas pipeline safety program. Id. § 801.503(b). The assessment shall be due and payable within 30 days from the notice of amount due from the Commission. Id. § 801.503(c). Each pipeline operator shall submit an original application and thereafter shall submit a report on or before March 31 of each year reporting its total miles during the prior calendar year. Id. § 801.503(d).

We shall require by March 31, 2023, the initial annual registration by all pipeline operators that own or operate a Class 1 gas gathering line. Initial registration consists of providing the information found on the then-current Pipeline Operator Annual Registration Form available on the Commission's website, along with payment of an initial registration fee of \$250.¹² Thereafter, the Commission will require these newly jurisdictional pipeline operators to submit an annual registration form with the Commission by March 31 each year.

Registrants are expected to file their forms using the Commission's eFile system. As indicated on the Registration Form, registrants must provide contact information,¹³ their U.S. DOT Operator ID number, and Federal Employee Identification number (EIN). The Commission will organize its registry based on U.S. DOT Operator ID numbers, with the result being that multiple entities which operate all under one U.S. DOT Operator ID number will register as a single pipeline operator (listing all entities using that ID number). An entity with multiple U.S. DOT Operator ID numbers must register each U.S. DOT Operator ID number as a separate pipeline operator. Registrants must provide their pipeline mileage for class 1 pipeline serving unconventional wells, as well as for all class 2, 3, and 4 pipelines.

Pipeline operators are responsible to promptly update the Commission with any changes to their contact information. Pipeline operators who fail to register shall be subject to civil penalties as set forth in Section 502 of Act 127, 58 P.S. § 801.502.

For assessments, the Commission will determine its annual costs based upon its fiscal year, which runs from July 1st through June 30th. Under the Commission's normal assessment process, assessments to cover the Commission's annual costs for its pipeline safety program under Act 127 will be based upon the Commission's approved

budget. Assessments will be billed and due after the July 1st start of the fiscal year. Since the Class 1 pipeline operators subject to this Implementation Order must file Part 191 incident reports with the Commission on and after July 15, 2022, and must file Part 191 annual reports by May 15, 2023, these pipeline operators will be subject to the Commission's annual assessment for the 2023-2024 fiscal year July 1, 2023 through June 30, 2024; *Therefore,*

It Is Ordered:

1. By May 15, 2023, all pipeline operators in the Commonwealth of Pennsylvania that own or operate a Class 1 gas gathering line or a liquefied natural gas facility fed by a Class 1 gas gathering line and not connected to the interstate pipeline system shall provide a copy of their Part 191 Annual Report filed with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration to the Commission's Bureau of Investigation & Enforcement Safety Division by email at RA-PC-PipelineSafety@pa.gov. Thereafter, all Act 127 pipeline operators (Types A, B, C, and R) shall provide a copy of their PHMSA annual report by March 15th of each year to the Commission's Bureau of Investigation & Enforcement Safety Division by email at RA-PC-PipelineSafety@pa.gov.

2. That, for purposes of pipeline safety and reporting standards, all pipeline operators subject to Act 127 and this Implementation Order shall comply with the phased-in compliance deadlines for Part 191 and Part 192 compliance as discussed in the body of this Order.

3. All pipeline operators in the Commonwealth of Pennsylvania that own or operate a Class 1 gas gathering line shall file with the Commission an Annual Registration Form by March 31, 2023, and thereafter on March 31st of each year, in accordance with this Implementation Order and the then-current Pipeline Operator Annual Registration Form available on the Commission's website.

4. That the Commission's Fiscal Office shall compute the annual assessment for each pipeline operator based on the pipeline operator's current Annual Registration Form and in accordance with Act 127. For the 2023-24 assessment covering fiscal year July 1, 2023 through June 30, 2024, the Fiscal Office shall include Class 1 gas gathering miles.

5. The Bureau of Technical Utility Services shall modify the Annual Registration Form consistent with this Implementation Order, inter alia, to include Class 1 gas gathering lines in the Total Column in Attachment B to the Pipeline Operator Annual Registration Form.

6. That all pipeline operators subject to Act 127 shall pay their assessment within 30 days of the postmark date of the invoice. For the 2023-2024 assessment, invoices shall be mailed in accordance with the Commission's assessment procedures and pipeline operators shall pay their assessments within 30 days of the postmark date of the invoice.

7. That a copy of this Implementation Order shall be published in the *Pennsylvania Bulletin* and be posted on the Commission's website.

8. That a copy of this Implementation Order shall be served on the Bureau of Investigation & Enforcement.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: December 8, 2022

ORDER ENTERED: December 8, 2022

[Pa.B. Doc. No. 22-2003. Filed for public inspection December 23, 2022, 9:00 a.m.]

¹² See Act 127 Implementation Order at 2.

¹³ The person or persons listed should have knowledge of the registrants' Pennsylvania operations and be reasonably available to be contacted by Commission personnel should an emergency arise with those operations.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2022-3037161. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to one active residential premises and two active commercial premises in Greene County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, January 9, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Candis A. Tunilo, Esquire (ID # 89891), 800 North Third Street, Suite 204, Harrisburg, PA 17102, ctunilo@nisource.com; Theodore J. Gallagher, Esquire (ID # 90842), 121 Champion Way, Suite 100, Canonsburg, PA 15317, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-2004. Filed for public inspection December 23, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Duquesne
Light Company**

Public Meeting held
December 8, 2022

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

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v.
Duquesne Light Company; M-2022-3032647*

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Joint Petition for Approval of Settlement (Settlement Agreement or Settlement) filed on November 3, 2022, by the Commission's Bureau of Investigation and Enforcement (I&E) and Duquesne Light Company (Duquesne Light,

Duquesne or Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties submitted Statements in Support of the Settlement. The Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy. Settlement at 10.

Before issuing a final decision on the merits of the Settlement, and consistent with the requirements of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the Settlement and issue the Settlement for comments.¹

History of the Proceeding

This matter concerns the alleged release of certain customer information by Duquesne. On or about April 26, 2022, Duquesne mailed approximately 9,057 letters to its customers providing information on how the customer can access their online account and pay their bill online. Of the 9,057 letters mailed, approximately 3,065 displayed the wrong customer name and account number. Of the 3,065 letters with the incorrect customer name and account number, approximately 2,966 customers were affected, i.e., their name and account number was on the letter. Specifically, the envelope was addressed to the correct customer but the letter inside displayed the incorrect customer name and account number. On April 29, 2022, Duquesne voluntarily notified the Commission's Bureau of Consumer Services (BCS) of the information disclosure. Settlement at 4.

On or about April 29, 2022, Duquesne Light issued an email notification to the affected customers. On or about May 20, 2022, Duquesne Light issued a follow-up notification to the affected customers via mail. Settlement at 4-5.

On or about May 12, 2022, BCS submitted a memo to I&E outlining its concern with Duquesne Light's alleged inadvertent release of customer information. Settlement at 5-6.

I&E instituted an informal investigation of Duquesne based on the information referred to I&E by BCS. Thereafter, the Parties entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at 3. The Parties filed the instant Settlement on November 3, 2022.

Background

On or about May 12, 2022, BCS initiated a referral to I&E regarding Duquesne Light's alleged release of customer information. Specifically, I&E was advised that an employee of Duquesne Light reported to BCS that Duquesne Light had disclosed certain customer information in its mailers to approximately 3,000 customers. This information included incorrect/different customer name and account number. Settlement at 5-6.

Duquesne Light does not use customer account numbers for purposes of customer authentication or electric generation supplier switching,² and averred that the

¹ As discussed, *infra*, due to the nature of the alleged violations in this matter, it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

² Duquesne Light uses Supplier Agreement Identification ("SA-ID") numbers, which are distinct from utility account numbers, for purposes of electric generation supplier switching. To enroll a Duquesne Light customer, an electric generation supplier must provide the customer's unique SA-ID number. Customer SA-ID numbers were not disclosed as part of this incident. Settlement at 5, n. 1.

disclosed customer information cannot be used to enroll a customer with an electric generation supplier or gain unauthorized access to a customer's account. Settlement at 5.

Duquesne Light averred that, upon information and belief, none of the customers whose information was released has been a victim of slamming or other unauthorized account access. Id.

Duquesne Light completed a root cause investigation and determined that the incident was the result of unintentional human error. Specifically, the mailing list provided to Duquesne Light's print vendor was reformatted by a Duquesne Light employee to meet the vendor's requirements, which resulted in a misalignment of some customers' names and addresses. Id.

Duquesne Light has implemented or will implement various quality and control measures in response to this incident. Id.

By letter dated August 1, 2022, I&E issued a Data Request Letter informing Duquesne Light of the scope of its investigation and requesting a response to I&E's twelve (12) data requests. Duquesne Light provided its responses on August 22, 2022, the date the responses were due. Settlement at 6.

Duquesne Light's Privacy Policy³ defines Customer Information as "a Customer's Personally Identifiable Information or Consumer-specific Energy Usage Data" and defines "Personally Identifiable Information ("PII")" as "information that. . . can be used to identify, distinguish, trace, or link to a specific customer." The definition of PII includes a customer's name, address, and utility account number. Settlement at 6-7.

The Privacy Policy provides that Duquesne Light will only share a customer's energy usage data (CEUD) or PII with third parties as required or permitted by law or for legitimate business purposes, as the Privacy Policy discusses in further detail, or upon customer request or in accordance with customer choices regarding the use and disclosure of their information. The Privacy Policy otherwise prohibits the sharing or release of covered customer information to other customers. Settlement at 7.

I&E avers that multiple violations of Duquesne Light's Privacy Policy, 66 Pa.C.S. § 1501, and 52 Pa. Code § 54.8 occurred when Duquesne Light mailed approximately 3,065 mailers which displayed the wrong customer name and account number. Of the 3,065 mailers issued, approximately 2,966 customers were affected, i.e., their name and account number were released. Id.

Section 1501 of the Public Utility Code (Code) provides that utilities shall "furnish and maintain adequate, efficient, safe, and reasonable service," that such service "shall be in conformity with the regulations and orders of the commission," and that every public utility "may have reasonable rules and regulations governing the conditions under which it shall be required to render service." 66 Pa.C.S. § 1501; see also 66 Pa.C.S. § 102 (Definition of Public Utility). Id.

Section 54.8 of the Commission's Regulations provide that an EDC "may not release private customer information to a third party unless the customer has been notified of the intent and has been given a convenient method of notifying the entity of the customer's desire to

restrict the release of the private information." 52 Pa. Code § 54.8. Settlement at 7-8.

The results of I&E's investigation, which included a review of the email correspondence sent by Duquesne Light reporting the release of customer information and Duquesne Light's responses to the data requests, formed the basis for the instant Settlement Agreement. Settlement at 6.

The proposed Settlement, which is attached to this Opinion and Order, has been filed by the Parties to provide a complete settlement of I&E's investigation of Duquesne Light's alleged violations of the Code and the Commission's Regulations as it related to the release of customer information through the April 26, 2022, letters. The Parties urge the Commission to approve the Settlement as being in the public interest. Settlement at 10.

Terms of the Settlement

Pursuant to the proposed Settlement, I&E and Duquesne Light have agreed to the following:

1. Duquesne Light shall pay a civil penalty of Twelve Thousand Five Hundred Dollars (\$12,500.00).
2. In addition to the civil penalty, Duquesne Light agrees to memorialize its policies and procedures relating to mailing and confidentiality by February 2023. After the policies and procedures are codified, Duquesne Light will provide written confirmation to I&E and will also provide a copy for I&E's review.

Settlement at 9.

The civil penalty shall not be tax deductible or passed through as an additional charge to Duquesne Light's customers in Pennsylvania. Id.

In response, I&E agrees that its informal investigation relating to Duquesne Light's conduct as described in the Settlement Agreement shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification, payment of the civil penalty, and completion of the remedial measure. Settlement Appendix A at 4.

The proposed Settlement is conditioned on the Commission's approval without modification of any of its terms or conditions. If the Commission does not approve the proposed Settlement or makes any change or modification to the proposed Settlement, either Party may elect to withdraw from the Settlement. Settlement at 9-10.

Discussion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

³ Duquesne Light's Privacy Policy is publicly available on its website at <https://www.duquesnelight.com/customer-support/policies-forms/privacy-policy>. Settlement at 6, n. 2.

(3) When the utility, or other person subject to the Commission’s jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission’s consideration of the settlement or approval of the utility’s action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. Before the Commission makes a final decision to adopt the settlement or to approve the utility’s action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.

52 Pa. Code § 3.113(b) (emphasis added). See also Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation, Docket No. M-2012-2264635 (Order entered September 13, 2012); Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Conclusion

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we believe it is appropriate to publish the Settlement in the Pennsylvania Bulletin and provide an opportunity for interested parties to file comments regarding the proposed Settlement. Accordingly, we will: (1) publish this Opinion and Order and a

copy of the proposed Settlement and Statements in Support, attached hereto, in the Pennsylvania Bulletin; and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days after the date of publication in the Pennsylvania Bulletin; Therefore,

It Is Ordered That:

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3032647, and deposit them with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

2. Within twenty-five (25) days after the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement and the Statements in Support thereof are published in the Pennsylvania Bulletin, interested parties may file comments concerning the proposed Settlement.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3032647, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission’s review of any comments filed in this proceeding, at Docket No. M-2022-3032647, a final Opinion and Order will be issued.

ROSEMARY CHIAVETTA, Secretary

ORDER ADOPTED: December 8, 2022

ORDER ENTERED: December 8, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement

v.

Duquesne Light Company

: : : : : :

Docket No. M-2022-3032647

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and Duquesne Light Company (“Duquesne Light” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement Agreement” or “Joint Petition”) to resolve all issues related to an informal investigation initiated by I&E. I&E’s investigation was initiated based upon information provided by Duquesne Light to the Commission’s Bureau of Consumer Services relating to the release of certain customer information.

As part of this Settlement Agreement, I&E and Duquesne Light (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement Agreement, without modification. Statements in Support of the Settlement expressing the individual views of I&E

and Duquesne Light are attached hereto as Appendix A and Appendix B, respectively.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, by its prosecuting attorneys, 400 North Street, Commonwealth Keystone Building, Harrisburg, PA 17120, and Duquesne Light, with a principal business address of 411 Seventh Avenue, Pittsburgh, PA 15219.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S.

§ 308.2(a)(11); see also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to I&E to initiate proceedings that are prosecutorial in nature).

4. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law, regulation, or order that the Commission has jurisdiction to administer.

6. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission's authority for violations of the Code, the Commission's regulations and orders. Section 3301 allows for the imposition of a fine for each violation and each day's continuance of such violation(s).

7. Duquesne Light is a "public utility" as defined by Section 102, 66 Pa.C.S. § 102, as it is engaged in providing public utility service as an electric distribution company ("EDC"), 66 Pa.C.S. § 2803, in the Commonwealth of Pennsylvania to the public for compensation. See generally Docket No. A-110150.

8. Duquesne Light provides electric distribution service to approximately 600,000 customers in all or portions of Allegheny County and Beaver County, and approximately 800 square miles in western Pennsylvania.

9. Duquesne Light, as an EDC, is subject to the power and authority of the Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

10. Pursuant to the provisions of applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of Duquesne Light in its capacity as an EDC serving customers in Pennsylvania.

11. This matter involves Duquesne Light's release of certain customer information through the issuance of a letter through the mail.

12. As a result of successful negotiations between I&E and Duquesne Light, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission's policy to promote settlements. See 52 Pa. Code § 5.231. The duly authorized parties executing this Settlement Agreement agree to the settlement terms set forth herein and urge the Commission to approve the Settlement Agreement as submitted as being in the public interest.

II. *Stipulated Facts*

13. The Commission has jurisdiction over the subject matter of and the parties to this proceeding to the extent authorized under applicable law. 66 Pa.C.S. §§ 102, 501.

14. "It is the policy of the Commission to encourage settlements." 52 Pa. Code § 5.231(a).

15. On or about April 26, 2022, Duquesne Light Company mailed approximately 9,057 letters to its customers providing information on how the customer can access their online account and pay their bill online.

16. Of the 9,057 letters mailed, approximately 3,065 displayed the wrong customer name and account number. Specifically, the envelope was addressed to the correct customer but the letter inside displayed the incorrect customer name and account number.

17. Of the 3,065 letters with the incorrect customer name and account number, approximately 2,966 customers were affected, i.e., their name and account number was on the letter.

18. On April 29, 2022, Duquesne Light voluntarily notified the Bureau of Consumer Services of this information disclosure.

19. On or about April 29, 2022, Duquesne Light issued an email notification to the affected customers.

20. On or about May 20, 2022, Duquesne Light issued a follow-up notification to the affected customers via mail.

21. Duquesne Light does not use customer account numbers for purposes of customer authentication or electric generation supplier switching,⁴ and avers that the disclosed customer information cannot be used to enroll a customer with an electric generation supplier or gain unauthorized access to a customer's account.

22. Duquesne Light avers that, upon information and belief, none of the customers whose information was released has been a victim of slamming or other unauthorized account access.

23. Duquesne Light completed a root cause investigation and determined that the incident was the result of unintentional human error. Specifically, the mailing list provided to Duquesne Light's print vendor was reformatting by a Duquesne Light employee to meet the vendor's requirements, which resulted in a misalignment of some customers' names and addresses.

24. Duquesne Light has implemented or will implement various quality and control measures in response to this incident.

25. On or about May 12, 2022, the Commission's Bureau of Consumer Services ("BCS") submitted a memo to I&E outlining its concern with Duquesne Light's alleged inadvertent release of customer information. Specifically, I&E was advised that an employee of Duquesne Light reported to BCS that Duquesne Light disclosed certain customer information in its mailers to approximately 3,000 customers. This information included incorrect/different customer name and account number.

26. By letter dated August 1, 2022, I&E issued a Data Request Letter ("I&E Data Requests-Set I") informing Duquesne Light of the scope of its investigation and requesting a response to I&E's twelve (12) data requests. Duquesne Light's responses were due on August 22, 2022.

27. On August 22, 2022, Duquesne Light provided its responses to I&E Data Requests-Set I.

28. After completely reviewing the information provided, I&E and Duquesne Light began settlement discussions. This Settlement Agreement is the result of the successful discussions held between I&E and Duquesne Light.

⁴ Duquesne Light uses Supplier Agreement Identification ("SA-ID") numbers, which are distinct from utility account numbers, for purposes of electric generation supplier switching. To enroll a Duquesne Light customer, an electric generation supplier must provide the customer's unique SA-ID number. Customer SA-ID numbers were not disclosed as part of this incident.

29. The results of I&E's investigation, which included a review of the email correspondence sent by Duquesne Light reporting the release of customer information and Duquesne Light's responses to the data requests, form the basis for the instant Settlement Agreement.

A. *Disclosure of customer information*

30. Duquesne Light's Privacy Policy⁵ defines Customer Information as "a Customer's Personally Identifiable Information or Consumer-specific Energy Usage Data" and defines "Personally Identifiable Information ("PII")" as "information that. . . can be used to identify, distinguish, trace, or link to a specific customer." The definition of PII includes a customer's name, address, and utility account number.

31. The Privacy Policy provides that Duquesne Light will only share a customer's energy usage data ("CEUD") or PII with third parties as required or permitted by law or for legitimate business purposes, as the Privacy Policy discusses in further detail, or upon customer request or in accordance with customer choices regarding the use and disclosure of their information. The Privacy Policy otherwise prohibits the sharing or release of covered customer information to other customers.

32. I&E avers that multiple violations of Duquesne Light's Privacy Policy, 66 Pa.C.S. § 1501, and 52 Pa. Code § 54.8 occurred when Duquesne Light mailed approximately 3,065 mailers which displayed the wrong customer name and account number. Of the 3,065 mailers issued, approximately 2,966 customers were affected, i.e., their name and account number were released.

III. *Alleged Violations*

33. Section 1501 of the Public Utility Code provides that utilities shall "furnish and maintain adequate, efficient, safe, and reasonable service," that such service "shall be in conformity with the regulations and orders of the commission," and that every public utility "may have reasonable rules and regulations governing the conditions under which it shall be required to render service." 66 Pa.C.S. § 1501; see also 66 Pa.C.S. § 102 (Definition of Public Utility).

34. Section 54.8 of the Commission's regulations provide that an EDC "may not release private customer information to a third party unless the customer has been notified of the intent and has been given a convenient method of notifying the entity of the customer's desire to restrict the release of the private information." 52 Pa. Code § 54.8.

35. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Duquesne Light committed the following violation:

a. Duquesne Light released private customer information, i.e., customer name and account number. If proven, I&E alleges that such conduct would have violated Duquesne Light's Privacy Policy, 66 Pa.C.S. § 1501, and 52 Pa. Code § 54.8 (multiple counts).

36. Had this matter been fully litigated, Duquesne Light would have denied each of the alleged violations of the Commission's regulations or the Public Utility Code, would have presented facts refuting each of the allegations, and would have raised defenses to each of these allegations at hearing.

⁵ Duquesne Light's Privacy Policy is publicly available on its website at <https://www.duquesnelight.com/customer-support/policies-forms/privacy-policy>.

II. *Settlement Terms*

37. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement Agreement. I&E and Duquesne Light desire to (1) terminate I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter. Given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The terms and conditions of the Settlement Agreement, for which the Parties seek Commission approval, are set forth below.

38. Duquesne Light shall pay a cumulative civil penalty of Twelve Thousand Five Hundred Dollars (\$12,500.00).

39. The civil penalty shall not be tax deductible or passed-through as an additional charge to Duquesne Light's customers in Pennsylvania.

40. In addition to the civil penalty, Duquesne Light agrees to memorialize its policies and procedures relating to mailing and confidentiality by February 2023. After the policies and procedures are codified, Duquesne Light will provide written confirmation to I&E and will also provide a copy for I&E's review.

V. *Conditions of Settlement*

41. The benefits and obligations of this Joint Petition for Approval of Settlement shall be binding upon the successors and assigns of the Parties to this Settlement.

42. This Settlement may be signed in counterparts and all signatures attached hereto will be considered as originals.

43. In order to effectuate the Parties' Joint Petition for Approval of Settlement, the undersigned parties request that the Commission issue a Secretarial Letter or Order approving the Joint Petition without modification.

44. The Parties agree that any party may petition the Commission for rehearing or take other recourse allowed under the Commission's rules if the Commission Secretarial Letter or Order substantively modifies the terms of this Joint Petition for Approval of Settlement. In that event, any party may give notice to the other parties that it is withdrawing from this Joint Petition for Approval of Settlement. Such notice must be in writing and must be given within twenty (20) business days of the issuance of any Commission Order or Secretarial Letter which adopts this Joint Petition for Approval of Settlement with substantive modifications of its terms. The consequence of any party withdrawing from this Joint Petition for Approval of Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the parties and all obligations of the parties to each other are terminated and of no force and effect. In the event that a Party withdraws from this Joint Petition for Approval of Settlement as set forth in this paragraph, I&E and Duquesne Light jointly agree that nothing in this Settlement shall be construed as an admission against or as prejudice to any position which any party might adopt during litigation of this case.

45. I&E and Duquesne Light jointly acknowledge that approval of this Settlement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52

Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

46. The Joint Petition for Approval of Settlement avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement. Attached as Appendices A and B are Statements in Support submitted by I&E and Duquesne Light, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

47. Since the Parties agree to the terms of the Joint Petition for Approval of Settlement, adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

48. This Settlement Agreement consists of the entire agreement between I&E and Duquesne Light regarding the matters addressed herein. Moreover, this Settlement represents a complete settlement of I&E's investigation of Duquesne Light's alleged violations of the Public Utility Code and the Commission's regulations as it relates to the release of customer information through the April 26, 2022 letters and fully satisfies I&E's investigation of the matters discussed herein.

49. The Parties expressly acknowledge that this Settlement Agreement represents a compromise of positions and does not necessarily reflect any Party's position with

respect to any issues raised in this matter, nor does it in any way constitute a finding, an admission, or a finding of culpability on the part of Duquesne Light concerning the alleged violations of the Public Utility Code, the Commission's regulations, or law.

50. The Settlement Agreement contains a summary of alleged violations of the Public Utility Code and the Commission's regulations. See, Section III, Alleged Violations. In addition, the Settlement contains Proposed Settlement Terms. See, Section IV, Settlement Terms. This Settlement Agreement is presented without prejudice to any position that either Party may have advanced, and without prejudice to the position any party may advance, in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Duquesne Light Company respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest.

In Witness Whereof, we have unto set our hands and seals on this 3rd day of November 2022.

Michael Zimmerman
Senior Counsel for Duquesne Light Company
Date: November 3, 2022

Kayla L. Rost
Counsel for the Commission's
Bureau of Investigation and Enforcement
Date: November 3, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Duquesne Light Company

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Docket No. M-2022-3032647

PROPOSED ORDERING PARAGRAPHS

1. That the Joint Settlement Petition filed on November 3, 2022 between the Commission's Bureau of Investigation and Enforcement and Duquesne Light Company is approved in its entirety without modifications.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within sixty (60) days of the date this Order becomes final, Duquesne Light Company shall pay Twelve Thousand Five Hundred Dollars (\$12,500.00), which consists of the entirety of the civil penalty amount. Said payment shall be made by certified check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Secretary
Pennsylvania Public Utility Commission Commonwealth
Keystone Building
400 North Street
Harrisburg, PA 17120

3. The civil penalty shall not be tax deductible or passed-through as an additional charge to Duquesne Light Company's customers in Pennsylvania.

4. In addition to the civil penalty, Duquesne Light Company agrees to memorialize its policies and procedures relating to mailing and confidentiality by February 2023. After the policies and procedures are codified, Duquesne Light Company will provide written confirmation to I&E and will also provide a copy for I&E's review.

5. The above-captioned matter shall be marked closed upon receipt of the civil penalty and completion of the remedial measure outlined above.

**Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

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v.

Docket No. M-2022-3032647

Duquesne Light Company

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S STATEMENT IN SUPPORT OF THE JOINT
PETITION FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232, and 69.1201, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Joint Petition” or “Settlement Agreement”) filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and Duquesne Light Company (“Duquesne Light” or “Company”).⁶ I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

I. Background

On or about April 26, 2022, Duquesne Light Company mailed approximately 9,057 letters to its customers providing information on how the customer can access their online account and pay their bill online. Of the 9,057 letters mailed, approximately 3,065 displayed the wrong customer name and account number. Specifically, the envelope was addressed to the correct customer but the letter inside displayed the incorrect customer name and account number. Of the 3,065 letters with the incorrect customer name and account number, approximately 2,966 customers were affected, i.e., their information was on the letter.

On or about April 29, 2022, Duquesne Light issued an email notification to the affected customers.

Duquesne Light completed a root cause investigation and determined that the incident was the result of unintentional human error. Specifically, the mailing list provided to Duquesne Light’s print vendor was reformatted by a Duquesne Light employee to meet the vendor’s requirements, which resulted in a misalignment of some of the customers’ names and addresses. Duquesne Light has implemented or will implement various quality and control measures in response to this incident.

On or about May 12, 2022, the Commission’s Bureau of Consumer Services (“BCS”) submitted a memo to I&E outlining its concern with Duquesne Light’s alleged inadvertent release of customer information.

By letter dated August 1, 2022, I&E issued a Data Request Letter (“I&E Data Requests-Set I”) informing Duquesne Light of the scope of its investigation and requesting a response to I&E’s twelve (12) data requests. Duquesne Light’s responses were due on August 22, 2022.

On August 22, 2022, Duquesne Light provided its response to I&E Data Requests-Set I.

Accordingly, I&E and Duquesne Light began discussing settlement to amicably resolve the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

II. The Public Interest

Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E informal investigation involving allegations that Duquesne Light released certain customer information through its issuance of the April 26, 2022 letter by mail.

I&E intended to prove the factual allegations set forth in its investigation at hearing to which Duquesne Light would have disputed. This Settlement Agreement results from the compromises of the Parties. I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement Agreement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement Agreement without modification.

III. Terms of Settlement

Under the terms of the Settlement Agreement, I&E and Duquesne Light have agreed to the following:

1. Duquesne Light shall pay a cumulative civil penalty of Twelve Thousand Five Hundred Dollars (\$12,500.00).
2. In addition to the civil penalty, Duquesne Light agrees to memorialize its policies and procedures relating to mailing and confidentiality by February 2023. After the policies and procedures are codified, Duquesne Light will provide written confirmation to I&E and will also provide a copy for I&E’s review.

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Furthermore, the civil penalty shall not be passed through as an additional charge to Duquesne Light’s customers in Pennsylvania.

In consideration of Duquesne Light’s payment of a monetary civil penalty and the remedial measure outlined above, I&E agrees that its informal investigation relating to Duquesne Light’s conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification, payment of the civil penalty, and completion of the remedial measure.

⁶ I&E and Duquesne Light are collectively referred to herein as the “Parties.”

Upon Commission approval of the Settlement Agreement in its entirety without modification, I&E will not file any complaints or initiate other action against Duquesne Light at the Commission with respect to the violations that were the subject of I&E's instant investigation and described in more detail in the Joint Petition for Approval of Settlement.

IV. Legal Standard for Settlement Agreements

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher civil penalty while conduct that is less egregious warrants a lower amount. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter was an administrative or technical error. Consequently, the less egregious nature of the conduct was considered in arriving at the civil penalty amount in the Settlement Agreement.

The second factor considers whether the resulting consequences of Duquesne Light's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E submits that no personal injury or property damage occurred as a result of the alleged violations, but that the release of certain customer information is a serious violation and could have a negative impact on the affected customer. I&E

acknowledges that Duquesne Light, upon information and belief, reported no evidence of unauthorized account access by the affected customers.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." *Id.* Whether Duquesne Light's alleged conduct was intentional or negligent does not apply since this matter is being resolved by settlement of the Parties.

The fourth factor to be considered is whether Duquesne Light has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). Duquesne Light completed a root cause investigation to determine what caused the release of customer information and what steps should be taken to prevent this incident from reoccurring. After completing the investigation, Duquesne Light created a list of recommendations which it implemented/will implement by February 2023. Thus, Duquesne Light made efforts to investigate the cause of the incident and determined the appropriate actions which needed to be taken to prevent similar incidents from occurring in the future.

The fifth factor to be considered relates to the number of customers affected by the DLC's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). Approximately 3,065 letters displayed the incorrect customer name and account number. Of these 3,065 letters, approximately 2,966 customers were affected, i.e., their information was on the letter. These facts were considered when calculating the civil penalty.

The sixth factor to be considered relates to the compliance history of Duquesne Light. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. *Id.* To date, I&E is unaware of any formal complaint or proceeding which relates to Duquesne Light's inadvertent release of certain customer information.

The seventh factor to be considered relates to whether the Company cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that Duquesne Light fully cooperated in the investigation of this matter, including cooperating in both informal discovery as well as settlement discussions.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of \$12,500.00, which is not tax deductible, is substantial and sufficient to deter Duquesne Light from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement Agreement should be viewed on its merits as I&E found no past Commission decisions that are directly on point to this matter.

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser penalty or other remedial action. Both parties negotiate from their initial litigation positions. The penal-

ties and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,

Kayla L. Rost
Prosecutor

PA Attorney ID No. 322768

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-1888
karost@pa.gov
Dated: November 3, 2022

**Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Duquesne Light Company

:
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:
:

Docket No. M-2022-3032647

DUQUESNE LIGHT COMPANY'S STATEMENT IN SUPPORT OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I. Introduction

Duquesne Light Company (“Duquesne Light” or the “Company”) hereby submits this Statement in Support of the Joint Petition for Approval of Settlement (“Settlement”) entered into by the Company and the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”). This Settlement, if approved, resolves all issues in the above-captioned proceeding, which concerns I&E’s informal investigation into the inadvertent release of certain customer information in April 2022.

Duquesne Light provides electric distribution, transmission, and default supply service to approximately 600,000 customers in its certificated service territory, which comprises approximately 817 square miles in Allegheny County and Beaver County, Pennsylvania. Duquesne Light is a “public utility” and “electric distribution company” as those terms are as defined under the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

On August 1, 2022, I&E initiated an informal investigation into Duquesne Light’s release of certain customer information that occurred on April 26, 2022, as described in further detail herein. The parties exchanged information and engaged in settlement negotiations as part of this informal investigation. As a result of these efforts, the parties reached a Settlement that resolves all issues without the need for litigation. Under this Settlement, Duquesne Light will implement process improvements to help prevent similar customer information disclosures in the future, and will pay a civil penalty of \$12,500. This Settlement also obviates the need for the parties and the Commission to devote resources to a litigated formal com-

plaint proceeding. For these reasons and as set forth below, the Settlement is just and reasonable, and should be approved.

II. Commission Policy Favors Settlement

Commission policy favors settlements. See 52 Pa. Code § 5.231(a). Settlements lessen the time and expense the parties must expend litigating a case and, at the same time, conserve administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. See 52 Pa. Code § 69.401. To accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2010-2071433 (August 31, 2012). For the reasons set forth in this Statement in Support of Settlement, the Company believes that the Settlement is just and reasonable and is in the public interest. Therefore, it should be approved without modification.

III. The Settlement is in the Public Interest

The parties achieved this Settlement following a thorough investigation by I&E, including written data requests, into the customer information release that occurred April 26, 2021. The parties agree that the Settlement constitutes a reasonable compromise of the issues I&E identified through its investigation. The parties further agree that the Settlement “avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, reply exceptions” (Settlement ¶46), and that “adopting it will eliminate the possibility of any appeal from the Commission Secretarial

Letter or Order, thus avoiding the additional time and expense that [the parties] might incur in such an appeal.” (Settlement ¶47.)

As explained in the following sections, the terms of the Settlement are just and reasonable and are in the public interest. In exchange for stipulating to these terms, I&E has agreed to conclude its informal investigation and not institute any Formal Complaint related to these issues. (See Settlement ¶37.)

A. Civil Penalty

Pursuant to Settlement ¶¶38-39, the Company shall pay a civil penalty of \$12,500, which “shall not be tax deductible or passed-through as an additional charge to Duquesne Light’s customers in Pennsylvania.” The Company shall make payment of the civil penalty within 60 days of a Commission Order or Secretarial Letter approving the Settlement without modification. (Settlement, Proposed Ordering Paragraphs ¶2.)

The customer information release affected approximately 2,966 customers, each of whose name and utility account number was displayed on a letter inadvertently mailed to another customer. (See Settlement ¶¶16-17.) The Company acknowledges that the released customer information included Personally Identifiable Information (“PII”) as defined in the Company’s privacy policy, and that such release of PII was inconsistent with the privacy policy. (See Settlement ¶¶30-31.) The Company further acknowledges the need to implement measures to prevent similar releases in the future. (See Settlement ¶24.) The civil penalty provided in the Settlement recognizes the seriousness of these issues, balanced with: (1) the Company’s full cooperation in I&E’s informal investigation; (2) the Company’s prompt, voluntary notification of the affected customers and the Commission of the customer information release; (3) the unintentional nature of the customer information release; (4) the Company’s prompt self-investigation into the customer information release, and implementation of corrective measures, prior to I&E’s informal investigation; (5) the lack of customer harm attributable to the customer information release;⁷ and (6) the Company’s commitment to process improvements designed to prevent future customer information releases.

In light of the foregoing, a civil penalty of \$12,500 is appropriate under the specific circumstances of this case,

and the Commission should approve this settlement provision without modification.

B. Corrective Actions

The Settlement provides for the Company to take corrective actions in addition to a civil penalty. Specifically, the Company will “memorialize its policies and procedures relating to mailing and confidentiality by February 2023. After the policies and procedures are codified, Duquesne Light will provide written confirmation to I&E and will also provide a copy for I&E’s review.” (Settlement ¶40.)

These corrective actions are appropriate in addressing the root causes of the April 26, 2022, customer information release. This information release was attributable to an inadvertent human error, which occurred during a manual reformatting of a mailing list. (See Settlement ¶23.) While the Company promptly implemented informal process improvements upon identifying this root cause (see Settlement ¶24), the Company recognizes that memorializing a formal policy will help ensure that similar releases of customer information do not occur in the future.

Therefore, these settlement provisions are just and reasonable and in the public interest, and the Commission should approve them without modification.

IV. Conclusion

Wherefore, for the reasons explained above, and those set forth in the Settlement, the terms of the Settlement are just and reasonable and in the public interest, and the Pennsylvania Public Utility Commission should approve the Settlement without modification.

Respectfully Submitted,

Michael Zimmerman
Senior Counsel, Regulatory Duquesne Light Company
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Phone: 412-514-3596
Email: mzimmerman@duqlight.com
Attorney for Duquesne Light Company

Dated: November 3, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Duquesne Light Company

Docket No. M-2022-3032647

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement and Statements in Support dated November 3, 2022, upon the parties listed below, in accordance with the require-

⁷ The Company does not use customer account numbers to authenticate customers for account access. The Company also does not use customer account numbers for purposes of electric generation supplier switching; instead, the Company uses unique customer Supplier Agreement ID numbers, which are distinct from customers’ utility account numbers and which were not released as part of this incident. The Company does not believe that the release of customer information has led to any instances of slamming or unauthorized account access. See Settlement ¶¶ 21-22.

ments of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail:

Tishekia Williams, Esq.
Michael Zimmerman, Esq.
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[Pa.B. Doc. No. 22-2005. Filed for public inspection December 23, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Connect Everyone, LLC, a Wholly Owned Subsidiary of Starry, Inc., for Designation as an Eligible Telecommunications Carrier

Public Meeting held
 December 8, 2022

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

*Petition of Connect Everyone LLC, a Wholly Owned
 Subsidiary of Starry, Inc., for Designation as an Eligible
 Telecommunications Carrier; P-2021-3023915*

Order

By the Commission:

Before the Commission for review and consideration is the October 24, 2022, Petition to Relinquish Eligible Telecommunications Carrier Designation (Petition) filed by Connect Everyone, LLC (Connect Everyone), seeking modification of the Commission's Order entered in the above-captioned matter that provisionally granted Connect Everyone's Petition for Designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania.¹ Specifically, Connect Everyone requests that it be allowed to relinquish its status as an ETC.

Connect Everyone served its Petition on the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, the Commission's Law Bureau, the Office of Attorney General, as well as all alternative ETCs in Connect Everyone's designated service area. No responses were filed to the Petition. For the reasons stated herein, Connect Everyone's Petition to Relinquish Eligible Telecommunications Carrier Designation is granted.

Background

I. Connect Everyone's Eligible Telecommunications Carrier Designation Request

Connect Everyone was awarded \$24,513,988.00 in the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund (RDOF) Auction (Auction 904). Through Auction 904, Connect Everyone will be awarded funding over 10 years to serve 2,203 census blocks in Pennsylvania, encompassing 13,792 locations.² The FCC required Connect Everyone to obtain designation as an Eligible Telecommunications Carrier (ETC) from the Com-

mission in all relevant census blocks in Pennsylvania where it had been awarded in Auction 904 support in order for it to qualify to become eligible to receive this federal high-cost support funding.³

On January 29, 2021, Connect Everyone, LLC filed a Petition with the Commission in which it sought designation as an ETC in the Commonwealth of Pennsylvania for the purpose of receiving federal Universal Service Fund (USF) high-cost support, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214(e)(2), and Sections 54.101, 54.201—54.203 and 54.205—54.209 of the FCC's regulations, 47 C.F.R. §§ 54.101, 54.201—54.203 and 54.205—54.209, and 52 Pa. Code § 69.2501 (ETC Designation Petition). Specifically, in its ETC Designation Petition, Connect Everyone requested designation as an ETC in the specific RDOF-eligible census blocks⁴ for which it had been awarded funding in Auction 904.

The Commission reviewed Connect Everyone's ETC Designation Petition and corresponding supplements to determine whether Connect Everyone satisfied the applicable minimum standards necessary under federal and state law to obtain designation as an ETC in Pennsylvania. The Commission concluded, in its August 26, 2021 Order, that Connect Everyone currently did not fully meet all of the pertinent statutory criteria and applicable minimum standards necessary under federal and Pennsylvania state law to obtain designation as an ETC for the purpose of receiving Auction 904 high-cost support. Specifically, Connect Everyone did not possess the means to offer or provide voice-grade telecommunications services in Pennsylvania at the time of the Commission's decision. However, since Connect Everyone met most of the other applicable and relevant FCC rules and federal requirements necessary to obtain an ETC designation, the Commission provisionally granted Connect Everyone's Petition for an ETC designation. On November 2, 2021, Connect Everyone filed evidence it had executed a contractual agreement with a third-party managed service provider voice platform or other provider that will enable it to offer voice telecommunications service capable of providing access to the Public Switched Telephone Network. By this action, aside from Connect Everyone's responsibility to file tariffs prior to beginning service,⁵ Connect Everyone fulfilled the qualifications to be designated an ETC in accordance with the August 26, 2021 Order. Finally, in petitioning for designation as an ETC, Connect Everyone acknowledged that it was required to agree to comply with 47 C.F.R. § 54.205 as well as state law if seeking to relinquish its ETC designation.⁶

II. Connect Everyone's Petition to Relinquish ETC Designation

On October 12, 2022, Connect Everyone, through its parent company Starry,⁷ notified the FCC that it intended to relinquish all RDOF support and it would no longer pursue its RDOF winning bids.⁸ On the same day, the

³ 47 CFR § 54.804(b)(5); Auction 904 Closing Public Notice, 35 FCC Rcd at 13894, 13900-01.

⁴ It is in these federally funded census block groups, also identified as Connect Everyone's "Designated Service Area" as set forth in Appendix A to the August 26, 2021 Order, that Connect Everyone sought federal high-cost ETC designation to offer voice and broadband access services under federal law consistent with the FCC's public interest obligations.

⁵ On December 16, 2021, the Commission issued an order modifying the deadlines for Connect Everyone to file its tariffs. We do not recite that background here as those deadlines are moot as a result of this order.

⁶ August 26, 2021 Order, at 38.

⁷ For the sake of simplicity we hereinafter refer to Starry as Connect Everyone without distinction between the companies.

⁸ Petition ¶ 10.

¹ See Petition of Connect Everyone LLC, a wholly owned subsidiary of Starry, Inc., for Designation as an Eligible Telecommunications Carrier, Docket No. P-2021-3023915 (Order entered August 26, 2021) (August 26, 2021 Order).

² See Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021, WC Docket No. 19-126 et al., Public Notice, 35 FCC Rcd 13888 (RBATF, OEA, WCB 2020) (Auction 904 Closing Public Notice).

FCC issued a public notice that Connect Everyone had defaulted on its RDOF awards.⁹

On October 24, 2022, Connect Everyone filed the instant Petition pursuant to 47 U.S.C. § 214(e)(4) requesting that it be allowed to relinquish the ETC designation set forth in the August 26, 2021 Order. In its Petition, Connect Everyone averred that it has not received any RDOF or any other form of Universal Support Fund funding, has not constructed any facilities in Pennsylvania, has not commenced any service in Pennsylvania and has no customers in Pennsylvania.¹⁰ Connect Everyone noted that it was complying with the FCC's relinquishment notice requirements pursuant to 47 C.F.R. § 54.205.

Discussion

We note that any issues we do not specifically address herein have been duly considered and will be denied without further discussion. It is well settled that the Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. Pub. Util. Comm'n.*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also, generally, *University of Pennsylvania v. Pa. Pub. Util. Comm'n.*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

Legal Standards

In accordance with 47 C.F.R. § 54.205(a), an ETC that seeks to relinquish its ETC status must give advance notice to the state commission of such relinquishment. Additionally, prior to permitting a telecommunications carrier designated as an ETC to cease providing universal service in an area served by more than one ETC, the state commission shall require remaining ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. 47 C.F.R. § 54.205(b).

In a September 3, 2013 Secretarial Letter at Docket No. M-2013-2380576, the Commission adopted the same above criteria for relinquishment for a carrier seeking the relinquishing of its ETC status in Pennsylvania. In the letter, the Commission advised all ETCs that before they are allowed to relinquish their ETC designation in Pennsylvania, they must satisfy the criteria under the Telecommunications Act of 1996 (TA-96) and our rules governing petitions for relief. Specifically, we advised that this Commission may grant a request to relinquish ETC status if the petitioning ETC demonstrates reliable, probative, and substantial evidence of the following:

1. More than one ETC serves the service area(s) in question;
2. The ETC seeking to relinquish its ETC designation has provided advance notice to the Commission of such relinquishment;
3. The Commission, prior to authorizing the relinquishment, requires:
 - a. Remaining ETC(s) to ensure that all customers served by the relinquishing carrier will continue to be served;
 - b. Sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

See generally 47 U.S.C. § 214(e)(4); 47 C.F.R. § 54.205.

While TA-96 allows an ETC to relinquish its ETC status, and thus forego access to various federal funding

sources, we note that the relinquishment process still remains focused on preservation of universal service. To further the federal and state universal service goals, the Commission also requires the following of a carrier that is seeking to relinquish its ETC designation:

1. All Petitions to relinquish ETC status must be accompanied by an affidavit or verification of an authorized individual;
2. The Petition must be served upon the statutory advocates, the Office of Consumer Advocate, Office of Small business Advocate, the Commission's Bureau of Enforcement & Investigation and all carriers referenced in the petition as being alternative ETCs;
3. Notice must be provided to all affected Lifeline customers as follows:
 - a. Written notice 90 days prior to the discontinuation of Lifeline service in the form of a stand-alone mailing separate from any billing or collections mailing;
 - b. Telephonic notice 60 days prior to the discontinuation of Lifeline service
 - c. Written notice 30 days prior to the discontinuation of Lifeline service in the form of a billing insert or stand-alone mailing;
4. The notices should inform affected customers of a date certain that Lifeline service will end, list alternative lifeline providers and offer assistance to those customers who wish to retain Lifeline service;
5. These notices must be attached to the Petition to Relinquish;
6. Petitioners are directed to ensure that the transition to another Lifeline provider is seamless for the Lifeline customer and ensure that the customer is not subject to additional connection fees or deposits. Also, the Petitioner is to assist the Lifeline customer with any lifeline certification occasioned by the petition.

Disposition

The Commission finds that Connect Everyone has met the requirements to relinquish its ETC designation.

Under federal requirements, Connect Everyone must provide advance notice to the state commission that it seeks to relinquish, which it has done. Connect Everyone must also show that more than one ETC serves the customers at issue, that the remaining ETCs adequately serve remaining customers, and that sufficient notice has been provided to those remaining ETCs. The Commission finds Connect Everyone has fulfilled these obligations. Connect Everyone has averred, under verified oath, that it has not constructed any facilities in Pennsylvania and has no customers in Pennsylvania.¹¹ Connect Everyone has further averred that for each of the areas it was designated an ETC, an Incumbent Local Exchange Carrier is also designated an ETC for those areas.¹² Finally, Connect Everyone has certified that it has served all alternative ETCs with its Petition.¹³ No protests or responses were filed to Connect Everyone's Petition.

As to state requirements, Connect Everyone has complied with all requirements. Connect Everyone's Petition is accompanied by a verification and was served on all the necessary parties. Lastly, because Connect Everyone currently has no customers in Pennsylvania, the requirements that an ETC must notify its customers of a

⁹ Petition ¶ 11.
¹⁰ Petition ¶ 12.

¹¹ Petition ¶¶ 12, 23.
¹² Petition ¶ 22.
¹³ Petition ¶ 25.

relinquishment and afford adequate transfer time for those customers are not applicable.

Conclusion

On consideration of Connect Everyone's Petition, we determine that consistent with the discussion in this Order, Connect Everyone has met the requirements for relinquishment set forth in federal law and the Commission's rules; *Therefore,*

It Is Ordered That:

1. The October 24, 2022 Petition to Relinquish Eligible Telecommunications Carrier Designation filed by Connect Everyone, LLC is granted.

2. The Secretary's Bureau serve a copy of this Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation & Enforcement, and also cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

3. The proceeding at Docket No. P-2021-3023915 shall be marked closed.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: December 8, 2022

ORDER ENTERED: December 8, 2022

[Pa.B. Doc. No. 22-2006. Filed for public inspection December 23, 2022, 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 January 9, 2023. Filings are recommended to 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 January 9, 2023. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number 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-2022-3036719. Bello Nurses, LLC (4240 Elmerton Avenue, Harrisburg, Dauphin County, PA 17109) persons in paratransit service, limited to senior citizens and

persons with disabilities, between points in the Counties of Berks, Cumberland, Dauphin, Lancaster, Lebanon, Perry and York.

A-2022-3037116. Twelve31 Logistics, LLC, t/a Twelve31 Transport (701 Cathedral Road, Suite 45-1548, Philadelphia, Philadelphia County, PA 19128) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2022-3037121. Quality Angels Elite Transportation, LLC (4633 State Road, Drexel Hill, Delaware County, PA 19026) to transport, by motor vehicle, in paratransit service, persons from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public conveyance as described under the application.*

A-2022-3037144. Byers Taxi Service, Inc. (214 1/2 Longfellow Street, P.O. Box 366, Vandergrift, Westmoreland County, PA 15690) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons upon call or demand, as more thoroughly described in the original ordering paragraphs at A-00105054, F.1.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-2007. Filed for public inspection December 23, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Settlement Agreement in the Pennsylvania Commonwealth Court matter of Pennsylvania Public Utility Commission v. the Delaware Valley Regional Economic Development Fund, No. 491 MD 2018

Public Meeting held
December 8, 2022

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

Settlement Agreement in the Pennsylvania Commonwealth Court matter of Pennsylvania Public Utility Commission v. the Delaware Valley Regional Economic Development Fund, No. 491 MD 2018; Doc. Nos. M-2022-3033879, M-2010-2176183, R-00973953, P-00971265

Tentative Order

By the Commission:

On July 16, 2018, the Pennsylvania Public Utility Commission (Commission) filed a Complaint¹ in the Com-

¹The Commonwealth Court noted that while the Commission labeled its action as a Complaint, it should have been labeled as a Petition for Review pursuant to Chapter 15 of the Pennsylvania Rules of Appellate Procedure because this was an action initiated by a Commonwealth agency, not the Commonwealth of Pennsylvania. See *Pa. Pub. Util. Comm'n v. Delaware Valley Regional Economic Development Fund*, 255 A.3d 602 at n. 2 (Pa. Cmwlth. 2021). However, the Commonwealth Court continued to refer to the Commission's action in this matter as a Complaint but applied the Rules of Appellate Procedure as they apply to a Petition for Review because the Court did not properly recognize the Commission as the Commonwealth government. See 42 Pa.C.S. §§ 102 and 761.

monwealth Court's original jurisdiction against the Delaware Valley Regional Economic Development Fund (DVREDF) and its Board of Directors alleging, inter alia, breach of contract with respect to a prior Commission order and prior settlement agreement.² On December 8, 2021, the Commission and DVREDF entered into Court mediation to resolve this matter. On June 22, 2022, the Commission and DVREDF reached a settlement agreement in principle which the Commission now considers in its entirety for approval.

Background

DVREDF is an incorporated domestic nonprofit corporation. As a result of the Pennsylvania electric market restructuring pursuant to the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2815. (Electric Choice Act) and, as will be explained in detail, DVREDF received approximately \$21 million in funding from PECO ratepayers for the purpose of making loans and grants for economic development with job impact in the PECO service territory.

As a result of the Electric Choice Act, on April 1, 1997, PECO submitted a comprehensive Restructuring Plan to the Commission wherein it requested the Commission approve, inter alia, the recovery of \$6.8 billion of transition and stranded costs. Joint Petition for Full Settlement of PECO Energy Company's Restructuring Plan and Related Appeals and Application for a Qualified Rate Order and Application for Transfer of Generation Assets, Docket Nos. R-00973953 and P-00971265 (Petition filed April 29, 1998) (Joint Petition).

The Joint Petition, inter alia, established a sustainable energy and economic development fund, which was funded from a 2.98 cent per kWh transmission and distribution rate at .01 cents per kWh for all customers beginning on January 1, 1999, and ending on June 30, 2005. The ratepayer funding was directed to two separate entities that were funded equally. Fifty percent of the funds are administered through a sustainable energy development fund (SDF) overseen by the Delaware Valley Reinvestment Fund (RF). The other fifty percent of the funding was directed to DVREDF for the purpose of economic development with job impact. On May 14, 1998, the Commission approved the Joint Petition at Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al., Docket Nos. R-00973953 and P-00971265, 1998 Pa. PUC LEXIS 116 (Order entered May 14, 1998) (1998 PECO Restructuring Settlement Order).

The Commission subsequently ordered DVREDF to file with the Commission's Bureau of Audits semi-annual reports regarding its activities, with applicable statements of accounts for the next two fiscal years. Delaware Valley Sustainable Development Fund: Delaware Valley Regional Economic Development Corporation Order, Docket No. M-00991254 (Order entered July 21, 1999) (Semi-annual Report Order). In the Semi-annual Report Order, the Commission noted that these filings will permit not only the Commission, but also the public to monitor the fund's activities to ensure that the PECO ratepayer funds were being used prudently and for the purpose provided for in the Commission's order.

In the same Semi-annual Report Order, the Commission recognized the broad purpose given to DVREDF and

noted that DVREDF has enormous discretion in how these monies are utilized and that no provision had been made for outside oversight of DVREDF by an independent board, as is the case with the RF. Therefore, the Commission directed that, "under these circumstances, the Commission, pursuant to its duty to protect the public from unreasonable rates, must be assured that these funds are being expended prudently for the intended purpose for which the fund was created." Semi-annual Report Order at 2-3.

In the Semi-annual Report Order, the Commission directed that at the end of the two-year period, the Commission will revisit this matter to determine whether this reporting requirement should be continued. Semi-annual Report Order at 4. The semi-annual reporting to audits by DVREDF was extended through December 31, 2006, by Commission Secretarial Letter dated May 24, 2001, at Docket No. M-00991254. The Commission issued another Secretarial Letter dated March 8, 2007, extending the terms of the semi-annual reporting by DVREDF to the Commission's Bureau of Audits to a date coincident with the Commission's approval of any new transmission and distribution rates for PECO.

Subsequently, due to the Commission's concerns with DVREDF's lack of activity in making loans and grants as required by the 1998 PECO Restructuring Settlement Order, the Commission and DVREDF met to discuss these concerns and a remedy going forward. DVREDF agreed to a settlement on May 21, 2010, approved at the May 20, 2010 Public Meeting, in which it agreed to submit quarterly reports, to update its loan and grant guidelines and, most importantly, to "maximize fund use" for the purposes set forth in the 1998 PECO Restructuring Settlement Order. See Agreement between DVREDF and the Commission, Docket No. M-2010-2176183, (Order entered May 20, 2010)³ (2010 Settlement Agreement).

Again, in 2017, the Commission became concerned over media reports that DVREDF was not maximizing its PECO ratepayer fund use in accordance with the 1998 PECO Restructuring Settlement Order and the 2010 Settlement Agreement. Accordingly, the Commission requested records from DVREDF showing its current loan and grant activity as well as all of the years after 2013. DVREDF took the position that the Commission's oversight of PECO ratepayer funds it received had ended on December 31, 2012 when the 2010 Settlement Agreement term regarding DVREDF's quarterly loan and grant reporting requirements ended. DVREDF continued to refuse to provide complete records to the Commission and instead provided very minimal information. Pursuant to the terms of the 2010 Settlement Agreement, the Commission advised DVREDF if it did not respond to the requests for additional information that the Commission would seek to enforce its Commission Orders in court.

The Commission filed a civil complaint against DVREDF in the Commonwealth Court's original jurisdiction pursuant to Sections 501(a), 501(c), 502 and 503 of the Public Utility Code, 66 Pa.C.S. §§ 501(a),(c), 502, 503, on July 16, 2018, alleging, inter alia, that DVREDF had breached the terms of the 1998 PECO Restructuring Settlement Order and the 2010 Settlement Agreement on the basis that DVREDF was not maximizing its use of PECO ratepayer funds for economic development with job impact. In the Commission's civil complaint in Commonwealth Court, remedy language was included wherein the

² See Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al. at Docket Nos. R-00973953 and P-00971265, 1998 Pa. PUC LEXIS 116 (Order entered May 14, 1998) and Agreement between DVREDF and the Commission, Docket No. M-2010-2176183, May 20, 2010.

³ Approved at the May 20, 2010 Public Meeting pursuant to the Sunshine Act.

Commission sought return of the PECO ratepayer funds to be distributed to one or more of the following remedies:

1. PECO's hardship fund,
2. Universal Service Programs,
3. PECO customer rate relief,
4. Transfer the funds to the Sustainable Development Fund.

Litigation of this matter commenced. Both parties filed Preliminary Objections. Most of the Preliminary Objections were ultimately resolved with the Commission's breach-of-contract claim still intact. The litigation in this matter reached an impasse when discovery was halted to address DVREDF's statute-of-limitations defense in an Application for Summary Relief before the Commonwealth Court. DVREDF's Application asserted that the statute of limitations had expired against the Commission's breach-of-contract claim based upon the 2010 Settlement Agreement. However, the Commonwealth Court held that the Commission is exempt from the statute of limitations with respect to breach-of-contract claims⁴ because the Commission is a Commonwealth party that can assert the doctrine of *nullum tempus*. *Pa. Pub. Util. Comm'n. v. Delaware Valley Regional Economic Development Fund, et al.*, 255 A.3d 602 (Pa. Cmwlth. 2021). Accordingly, the Commission's breach-of-contract claim withstood DVREDF's Application for Summary Relief, and the parties moved on to discovery.

Settlement

During discovery the parties determined that settlement was in both parties' interests. Thereafter, the parties agreed to submit a Joint Petition with the Commonwealth Court seeking entrance into Mediation with the Commonwealth Court on December 8, 2021. On the same day, the Commonwealth Court granted the parties' Joint Petition, and subsequently, the parties entered Mediation with the Court, while continuing settlement negotiations outside of Court.

On June 22, 2022, the Commission and DVREDF met with the Commonwealth Court for mediation, and the parties agreed to a "Settlement in Principle" in which DVREDF agreed to pay a total settlement amount of \$6 million, to be distributed to one or more of the following:

1. PECO's hardship fund,
2. Universal Service Programs,
3. PECO customer rate relief,
4. Transfer the funds to the Sustainable Development Fund.

As discussed above, these were the same remedies reflected in the Commission's original Complaint filed in Commonwealth Court. The terms from the "Settlement in Principle" have been reduced to a formal Settlement Agreement which is attached to this order as Appendix A, and which the Commission hereby authorizes its Chief Counsel to execute on the Commission's behalf. Upon DVREDF's final distribution of this settlement amount of \$6 million to the enumerated entities, as will be determined after receipt of comments and consideration by the Commission in a subsequent Final Order at this docket, the Commission agrees that it will discontinue its litigation in *Pa. Pub. Util. Comm'n v. Delaware Valley Regional Economic Development Fund*, 491 MD 2018 and oversight of DVREDF's fund use going forward.

While it is agreed in principle that DVREDF will pay \$6 million to the above enumerated remedies, it has not yet been determined precisely how DVREDF's \$6 million settlement funds will be distributed among the four above-listed remedies. With the issuance of this Tentative Order, the Commission seeks public input on how the \$6 million settlement payment should be distributed among these four enumerated remedies.

Discussion

It was the Commission's intent in 1998, for the SDF and DVREDF to provide funding for sustainable energy projects in the PECO service territory and, in the case of DVREDF, specifically for economic development projects. See 1998 PECO Restructuring Settlement Order and Joint Petition, paragraph 40a. However, in the case of DVREDF, this economic development project goal has proven difficult to attain. As discussed supra, in mediation, the parties entered into a Settlement in Principle in which the parties agreed that funds will be provided for the proposed remedies from the Complaint.

Under the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 101—3316, the Commission may amend a prior order. Specifically, the Public Utility Code provides:

Rescission and amendment of orders.—The commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it. Any order rescinding or amending a prior order shall, when served upon the person, corporation, or municipal corporation affected, and after notice thereof is given to the other parties to the proceedings, have the same effect as is herein provided for original orders.

66 Pa.C.S. § 703(g).

The Commonwealth Court has recognized that the Commission may exercise its discretion to amend or rescind a prior order, in whole or in part, under Section 703(g). The Court has opined that since rescission or amendment of a prior final Commission order is left to administrative discretion, the Court's scope of review is limited to determining whether the agency abused its discretion. *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 659 A.2d 1055 (Pa. Cmwlth. 1995). The Court has determined that an agency commits an abuse of discretion "only where the agency's decision demonstrates evidence of bad faith, fraud, capricious action or abuse of power." *Id.* at 1065.

The Settlement in Principle between the Commission and DVREDF requires the Commission to amend its 1998 PECO Restructuring Settlement Order to reflect the settlement of the Commonwealth Court matter as discussed herein.

In the 1998 PECO Restructuring Settlement Order, the Commission approved PECO's Joint Petition, which provided in relevant part:

PECO will also establish a sustainable energy and economic development fund which shall be funded from the 2.98 cents per kWh transmission and distribution rate at .01 cents per kWh (less applicable gross receipts tax) on all power sold for all customers beginning on January 1, 1999 ending on June 30, 2005 or until the Commission establishes new distribution rates, whichever is later. The .01 cent per kWh shall not automatically be considered a cost of service element upon expiration of the transmission and distribution rate cap on June 30, 2005.

⁴ See 42 Pa.C.S. § 5525.

50% of these funds shall be administered by the Delaware Valley Community Reinvestment Fund overseen by a seven-member board of directors to be nominated by the Joint Petitioners 'and approved by the Commission. This portion of the funds shall be used to promote the development and use of renewable energy and clean energy technologies, energy conservation and efficiency, and economic developments projects which promote clean energy.

The remaining 50% of these funds shall be allocated to the [DVREDF]. *This portion of the funds shall be used for economic development projects which have a job impact.*

Joint Petition at 41 (emphasis added).

Given the current Settlement in Principle in this matter as discussed above, it is necessary for the Commission to amend the 1998 PECO Restructuring Settlement Order to reflect the intended use of the settlement funds. Accordingly, the Commission seeks comments from interested parties concerning this proposed amendment to the 1998 PECO Restructuring Settlement Order pursuant to Section 703(g) of the Public Utility Code. 66 Pa.C.S. § 703(g). The Commission will further order that all parties served with the 1998 PECO Restructuring Settlement Order are included on the service of this Tentative Order so that they have proper notice of the Commission's proposed amendments. *Therefore,*

It Is Ordered:

1. That the Commission authorizes its Chief Counsel to enter into the Settlement Agreement, attached to this Order as Appendix A, on the Commission's behalf.

2. That the Office of Consumer Advocate, PECO, SDF, and all parties of record at docket numbers R-00973953, P-00971265, and M-2010-2176183, and all other interested parties are encouraged to submit comments on the Commission's proposed amendment to the order entered at Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et at Docket Nos. R-00973953 and P-00971265, 1998 Pa. PUC LEXIS 116 (Order entered May 14, 1998) within 20 days after the publication of this Tentative Order in the *Pennsylvania Bulletin*.

3. That the Office of Consumer Advocate, PECO, SDF, all parties of record at docket numbers R-00973953,

P-00971265, and M-2010-2176183, and all other interested parties are encouraged to submit comments providing specific recommendations as to how the settlement amount in *Pa. Pub. Util. Comm'n, v. Delaware Valley Regional Economic Development Fund*, 491 MD 2018, should be distributed among PECO's hardship fund, Universal Service Programs, PECO customer rate relief, and the Sustainable Development Fund for review and consideration by the Commission within 20 days after the publication of this Tentative Order in the *Pennsylvania Bulletin*.

4. That if no comments are filed, this order will become final and (a) the Amendments to Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al., Docket Nos. R-00973953 and P-00971265, 1998 Pa. PUC LEXIS 116 (Order entered May 14, 1998) (1998 PECO Restructuring Settlement Order) will be made pursuant to the amendment detailed in this Tentative Order; and (b) the Commission will distribute the settlement amount among the four remedies listed herein according to its judgment.

5. Upon review and consideration of any comments received in this matter, or the expiration of the comment period without any comments filed, the Commission shall issue a Final Order in this matter detailing its review and consideration of any such comments and announcing the recipients of settlement funds determined by the Commission.

6. That the Secretary serve a copy of this Tentative Order upon all parties of record at docket numbers R-00973953, P-00971265, and M-2010-2176183, the Office of Consumer Advocate, PECO, SDF, Bureau of Investigation & Enforcement (BI&E), the Bureau of Technical Utility Services (TUS), the Bureau of Administration (BAS), Department of Revenue—Bureau of Corporation Taxes. The Tentative Order shall be filed at PECO's docket.

7. That the Law Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: December 8, 2022

ORDER ENTERED: December 8, 2022

Appendix A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Pennsylvania Public Utility	:	
Commission,	:	
	:	
	:	
Petitioner	:	
	:	
v.	:	
Delaware Valley Regional Economic	:	Docket No. 491 M.D. 2018
Development Fund; John Coffman, Lauri A.	:	
Kavulich, Thomas Jay Ellis, Gaetano	:	ORIGINAL JURISDICTION
Piccirilli, Albert Mezzaroba, Anthony	:	
DiSandro, Roseanne Pauciello, Jonathan	:	
Ireland, William Martin, Thomas Muldoon	:	
(In Their Official Capacity),	:	
	:	
	:	
Respondents	:	

**SETTLEMENT AGREEMENT AND
GENERAL RELEASE OF ALL CLAIMS**

THIS SETTLEMENT AGREEMENT & RELEASE (Settlement Agreement) is made and entered into as of this _____ day of _____, 2022 (the “Effective Date”) by and between the Pennsylvania Public Utility Commission (Commission) and the Delaware Valley Regional Economic Development Fund (DVREDF); with the parties collectively referred to as the “Settling Parties.”

Whereas, DVREDF received funds pursuant to the 1998 PECO Restructuring Settlement Order submitted under the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2812, and approved by Commission Order entered May 14, 1998, Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al., Docket No. R-00973953 and P-00971265 (Order entered May 14, 1998) (1998 PECO Restructuring Settlement Order); and

Whereas, 66 Pa.C.S. §§ 501(a) and (c), 502, 503 and 703(g) provide the Commission with authority to enforce, rescind and modify Commission orders and, more specifically, provide authority to the Commission to address and enforce compliance with the 1998 PECO Restructuring Settlement Order; and

Whereas, following Commission concerns with DVREDF’s administration of Funds under the 1998 PECO Restructuring Settlement Order, the Commission and DVREDF entered into an agreement on May 21, 2010, approved by the Commission at its May 20, 2010 Public Meeting, in which DVREDF agreed to submit quarterly reports and update its loan and grant guidelines. See Agreement between DVREDF and the Commission, Docket No. M-2010-2176183 (2010 Settlement Agreement); and *Whereas*, the Commission filed a civil complaint on July 14, 2018 (the Complaint) against DVREDF in the Commonwealth Court’s original jurisdiction alleging a breach-of-fiduciary duty claim against officers and directors of DVREDF, and a breach-of-contract claim based upon the Commission’s allegation that DVREDF failed to maximize its Fund Use pursuant to the 1998 PECO Restructuring Settlement Order and the 2010 Settlement Agreement. The Complaint is docketed in the Commonwealth Court as *PENNSYLVANIA PUBLIC UTILITY COMMISSION, Petitioner; v. DELAWARE VALLEY REGIONAL ECONOMIC DEVELOPMENT FUND, et al., Respondents*, No. 491 M.D. 2018 (ORIGINAL JURISDICTION).

Whereas, by Order filed June 27, 2019, the Commonwealth Court dismissed the breach-of-fiduciary duty claim against officers and directors of DVREDF;

Whereas, the Settling Parties have determined that it is in their mutual interests to avoid further cost of litigation and enter into this Settlement Agreement.

Whereas, the Commission will seek to amend the 1998 PECO Restructuring Settlement Order Docket Nos. M-2022-3033879, R-00973953 and P-00971265 to account for the remedies that will receive settlement proceeds from DVREDF as well as the final distribution allocation to the enumerated remedies in the Complaint.

Now, Therefore, in consideration of the promises herein contained, it is agreed as follows:

1. *Payment*

DVREDF shall pay the sum of \$6,000,000 (the “Settlement Payment”) in consideration for this Settlement Agreement. DVREDF shall pay the Settlement Payment via (direct deposit, wire transfer, etc.) in accordance with the Commission’s Final Order to be entered at Docket Nos. M-2022-3033879, M-2010-2176183, R-00973953 and P-00971265. On the date that the Commission enters its Final Order at Docket Nos. M-2022-3033879, M-2010-2176183, R-00973953 and P-00971265, DVREDF shall distribute the Settlement Payment in accordance with the Final Order within twenty-one calendar days of the Final Order’s entry date. DVREDF shall submit to the Commission’s Secretary at Docket Nos. M-2022-3033879, M-2010-2176183, R-00973953 and P-00971265 proof of the Settlement Payment transfer in accordance with the distribution enumerated in the Final Order at Docket Nos. M-2022-3033879, M-2010-2176183, R-00973953 and P-00971265 no later than one week after DVREDF completes the transfer of the Settlement Payment. The Settling Parties further agree that the Settlement Payment, to the maximum extent possible, shall be deemed to be funded from restricted funds held by DVREDF that are currently designated to be disbursed for the purposes set forth in the 1998 PECO Restructuring Settlement Order and the 2010 Settlement Agreement.

2. *No Further Oversight*

After DVREDF completes the transfer of the Settlement Payment, the Commission will no longer monitor DVREDF’s fund use. DVREDF shall not be subject to any further supervision, oversight, or litigation by the Commission for any and all matters described in the Commission’s Commonwealth Court Complaint at Docket No. 491 M.D. 2018.

3. *Termination of Complaint*

After DVREDF completes the transfer of the Settlement Payment, the Commission, with DVREDF’s assistance, shall promptly take all steps reasonably necessary to terminate the proceeding at Commonwealth Court of Pennsylvania Docket No. 491 M.D. 2018, including making all necessary filings to provide notice to the Commonwealth Court that the Complaint has been resolved by mutual agreement of the Settling Parties as set forth in this Settlement Agreement.

4. *Termination of DVREDF’S Duties and Obligations under Prior Agreements*

The Commission and DVREDF hereby agree that after DVREDF completes the transfer of the Settlement Payment, all duties and obligations of DVREDF, and all duties and obligations of its officers, directors, and employees, under the 1998 PECO Restructuring Settlement Order, under the 2010 Settlement Agreement, and under any other agreement, order, or other undertaking relating in any way to the subject matter of the 1998 PECO Restructuring Settlement Order, the 2010 Settlement Agreement, or DVREDF’s receipt, use, or distribution of funds received from PECO shall be terminated and that DVREDF its officers, directors, and employees shall no longer have any such duties or obligations.

5. *General Release of all Claims*

In consideration of the benefits provided under this Settlement Agreement, and subject to full satisfaction of the terms of this Settlement Agreement:

a) The Commission, for itself and on behalf of its employees, agents, Commissioners, officers (in their individual and representative capacities), predecessors, successors, assigns, executors, administrators and trustees ("Commission Releasers"), hereby fully release and forever discharge DVREDF and its past and present employees, agents, shareholders, officers, attorneys, directors (in their individual and representative capabilities), subsidiaries, predecessors, affiliates, parent corporations, if any, joint ventures, successors, assigns, heirs, executors, administrators, and trustees ("DVREDF Releasees") from any and all rights, claims, actions, causes of action, damages, obligations, losses and expenses of whatsoever kind or nature arising out of the matters alleged and any matters related thereto, whether or not now known or suspected or claimed, whether in law, admiralty, arbitration, administrative, equity or otherwise, and whether accrued or hereafter maturing and arising prior to the Effective Date.

b) DVREDF, for themselves and on behalf of their employees, agents, shareholders, officers, directors (in their individual and representative capacities), subsidiaries, predecessors, affiliates, parent corporations, if any, joint ventures, successors, assigns, heirs, executors, administrators and trustees ("DVREDF Releasers"), hereby fully release and forever discharge the Commission and its past and present Commissioners (in their personal and representative capacities), employees, agents, officers, attorneys, predecessors, successors, assigns, executors, administrators, and trustees ("Commission Releasees") from any and all rights, claims, actions, causes of action, damages, obligations, losses and expenses of whatsoever kind or nature arising out of the matters alleged and any matters related thereto, whether or not now known or suspected or claimed, whether in law, admiralty, arbitration, administrative, equity or otherwise, and whether accrued or hereafter maturing and arising prior to the Effective Date.

6. *Covenant Not to Sue*

Except as may be necessary to enforce the terms of this Settlement Agreement, the Settling Parties, the Commission Releasers and DVREDF Releasers warrant that at no time in the future will any of them sue, bring or join in any type of claim, adversary action, proceeding or investigation concerning any matter raised in the proceedings at Docket No. 491 M.D. 2018 against any Settling Party, DVREDF Releasees or Commission Releasee concerning any acts, events, or omissions alleged to have occurred prior to the date of the Effective Date of this Settlement Agreement, unless otherwise permitted by law or this Settlement Agreement.

7. *Publicity*

The Settling Parties agree that the Commission shall not issue a press release that discusses or implicates the DVREDF Releasees or any of the matters set forth in the Tentative Order or the Final Order at any time prior to or after the entry of the Tentative Order at Docket Nos. M-2022-3033879, M 2010-2176183, R-00973953 and P-00971265, and the subsequent entry of a Final Order amending the 1998 PECO Restructuring Settlement Order.

8. *No Admission of Wrongdoing*

The Settling Parties hereby acknowledge and agree that they have entered into this Settlement Agreement solely to avoid the expense and burden of time-consuming litigation. The Settling Parties hereby acknowledge and agree this Settlement Agreement: (a) is a compromise of disputed claims; (b) shall not be deemed to be or construed as an admission of any fact or act whatsoever or of any liability or wrongdoing of any kind whatsoever by either Party; and (c) that the Settling Parties shall not hereafter assert that this Settlement Agreement, the fact of this Settlement Agreement, or any provision herein is an admission by any Party as to any wrongful conduct, liability, or as to the merits of any claim or dispute settled herein, or otherwise.

9. *No Inducement and Adequate Review*

Each Settling Party warrants that, except as expressly set forth herein, no representations of any kind or character have been made to induce that Party to execute this Settlement Agreement. Each Settling Party hereby acknowledges that it (a) has had an adequate opportunity to have this Settlement Agreement reviewed by counsel, and (b) fully understands the contents of this Settlement Agreement.

10. *Entire Agreement of the Settling Parties*

This Settlement Agreement, constitutes the entire agreement with respect to the subject matter contained herein and supersedes the 2010 Settlement Agreement entered into between the Settling Parties on May 20, 2010 at the Commission's Docket No. M-2010-2176183, as well as any and all other prior agreements and documents regarding this subject matter. No terms or conditions of this Settlement Agreement may be modified or waived except by an instrument in writing duly signed by or on behalf of each of the Settling Parties hereto.

11. *Contingency*

The obligations of the Settling Parties' performance in this Settlement Agreement are contingent upon the Commission entering a Tentative Order at Docket Nos. M-2022-3033879, M-2010-2176183, R-00973953 and P-00971265, and the subsequent entry of a Final Order amending the 1998 PECO Restructuring Settlement Order directing the Settlement Payment in the proceeding at Docket No. 491 M.D. 2018. DVREDF Releasees are not obligated to perform under this Settlement Agreement until the Commission has entered the Final Order at Docket Nos. M-2022-3033879, M-2010-2176183, R-00973953 and P-00971265.

12. Miscellaneous

(a) Each Party acknowledges that such Party has participated in the negotiation of this Settlement Agreement and the drafting and preparation of this Settlement Agreement, and that no provision of this Settlement Agreement shall be interpreted against any Party by reason of the fact that any particular Party or its counsel purportedly drafted or prepared such provision. The Settling Parties represent and warrant that they have not been coerced into entering into this Settlement Agreement, nor has any person or entity exercised any pressure or undue influence on such Party to enter into this Settlement Agreement.

(b) Each Party agrees this Settlement Agreement is entered into under, and shall be construed under and governed by, the procedural and substantive laws of the Commonwealth of Pennsylvania without reference to its conflicts of law provisions.

(c) The titles of the various paragraphs are intended solely for convenience of reference and are not intended and shall not be deemed for any purpose whatsoever to modify, explain or place any construction upon any of the provisions of this Settlement Agreement and shall not affect the meaning or interpretation of this Settlement Agreement.

(d) This Settlement Agreement may be modified, or parts thereof waived or discharged, only by agreement in writing specifically referencing this Settlement Agreement and signed by the Party against whom enforcement of the purported modification, waiver, or discharge is sought.

(e) Without limiting the generality of the foregoing, in the event that either Party should bring any action, suit, or other proceeding against any other Party or its related individuals or entities concerning any matter referred to herein contesting the validity of this Settlement Agreement, or attempting to rescind, negate, or reform this Settlement Agreement or any of the terms or provisions thereof, or to remedy, prevent, or obtain relief from a breach of this Settlement Agreement, the prevailing Party shall recover its reasonable attorneys' fees and costs (including, without limitation, the costs of expert consultants and expert witnesses) incurred in such action, suit, or other proceeding, including any and all appeals or petitions therefrom.

(f) The provisions of this Settlement Agreement are severable. If any provision of this Settlement Agreement, other than paragraph 2, is adjudged by any court to be void or unenforceable, in whole or in part, such adjudication shall not affect the validity of the releases in this Settlement Agreement.

In Witness Whereof, the Pennsylvania Public Utility Commission and the Delaware Valley Regional Economic Development Fund have executed this Settlement Agreement by their duly authorized representatives in duplicate originals, each of which shall be deemed an original on the dates set forth below.

The Pennsylvania Public Utility Commission
By:

The Delaware Valley Regional Economic Development Fund
By:

Name: _____
Title: _____
Date: _____

Name: _____
Title: _____
Date: _____

[Pa.B. Doc. No. 22-2008. Filed for public inspection December 23, 2022, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Telecommunications

A-2022-3037170. Armstrong Telephone Company and Barr Tell USA, Inc. Joint petition of Armstrong Telephone Company and Barr Tell USA, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Armstrong Telephone Company and Barr Tell USA, Inc., by their counsel, filed on December 9, 2022, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Armstrong Telephone Company and Barr

Tell USA, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-2009. Filed for public inspection December 23, 2022, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Telecommunications

A-2022-3037220. Brightspeed of Pennsylvania, LLC, f/k/a The United Telephone Company of Pennsylvania and Onvoy Spectrum, LLC. Joint petition of Brightspeed of Pennsylvania, LLC, f/k/a The United Telephone Company of Pennsylvania and Onvoy Spec-

trum, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Brightspeed of Pennsylvania, LLC, f/k/a The United Telephone Company of Pennsylvania and Onvoy Spectrum, LLC, by their counsel, filed on December 13, 2022, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Brightspeed of Pennsylvania, LLC, f/k/a The United Telephone Company of Pennsylvania and Onvoy Spectrum, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-2010. Filed for public inspection December 23, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications; DISH Wireless, LLC; Doc. No. P-2022-3036735

The Pennsylvania Public Utility Commission (Commission) invites comments on the following petition for designation as an eligible telecommunications carrier (ETC): DISH Wireless, LLC petition for designation as an ETC in this Commonwealth for the purpose of providing lifeline service to qualifying customers; Doc. No. P-2022-3036735.

On August 2, 2010, the Commission entered an Order at Doc. No. M-2010-2164741 adopting a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. See 52 Pa. Code § 69.2501 (relating to standards applicable for designation and annual certification as an eligible telecommunications carrier, for purposes of obtaining Federal universal service support) for the Final Policy Statement, Standards applicable for designation and annual certification as an eligible telecommunications carrier, for purposes of obtaining Federal universal service support. The Final Policy Statement became effective on October 2, 2010.

This notice is to inform telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition. By this notice, the Commission extends the time for filing an answer to the petition under 52 Pa. Code § 5.61 (relating to answers to complaints, petitions, motions and preliminary objections). Interested persons may file an answer on or before 20 days after this notice is published in the *Pennsylvania Bulletin*. Thereafter, the petitioner has 10 days to file and serve its response. Filings must reference Doc. No. P-2022-3036735.

Instructions for filing can be found on the Commission's web site at <https://www.puc.pa.gov/filing-resources/file-or-obtain-information/>. 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>. Documents filed relative to this docket are available for inspection by searching under the petitioner's docket number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

Confidential filings should be clearly marked as such and e-mailed directly to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov. The contact person for questions regarding this notice is Tiffany L. Tran, Assistant Counsel, Law Bureau, (717) 783-5413, tiftran@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-2011. Filed for public inspection December 23, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2022-3037221. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Franklin Township, Adams County (Chambersburg Road).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, January 9, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Elizabeth Rose Triscari, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, elizabeth.triscari@amwater.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-2012. Filed for public inspection December 23, 2022, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v. Car Farm Auto Group, LLC; Case No. 22-60- 016001

On October 24, 2022, Car Farm Auto Group, LLC, license No. VD029650, of Levittown, Bucks County, had their vehicle dealer license suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

KIRK A. DAVIS,
Chairperson

[Pa.B. Doc. No. 22-2013. Filed for public inspection December 23, 2022, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Access to Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

This notice is provided to direct the public to the State Conservation Commission's (Commission) Facility Odor Management Program webpage at https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/OdorManagementProgram/Pages/default.aspx or alternatively to the Commission's office to obtain information relating to Odor Management Plans (OMP) submitted for Commission action under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

The Commission's Odor Management Program Public Noticing webpage at https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/OdorManagementProgram/Pages/PA-Odor-Management-Program-Public-Notices.aspx, provides the public with the name, address, animal equivalent units, animal type, Odor Site Index score and submission type for the various OMPs under review by the Commission. This listing of plans under review can also be accessed by contacting the Commission's office in Harrisburg at (717) 787-8821. The Commission will not take an action on a submitted OMP until it has been noticed on this list for a minimum of 21 days.

Commission actions on submitted OMPs will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted OMPs are directed to submit a Right-To-Know request to the Department of Agriculture (Department) to arrange access to the plans currently under review.

Persons wishing to comment on an OMP under review by the Commission are invited to submit a written statement outlining their comments on the plan to the Commission's Odor Management Program within 21 days from the plan notice date provided on the Commission's listing of plans under review on the Odor Management Program Public Noticing webpage. Persons with a question relating to the submission of comments on a plan under review may contact the Commission office by phone to discuss the process for the submission of comments. Comments should include the name, address and telephone number of the writer, and a concise statement to inform the Commission of the exact basis of the comments and the relevant facts upon which they are based. Comments may be submitted, in writing, to the State Conservation Commission, Department of Agriculture, ATTN: Odor Management Program Coordinator, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110.

Persons with a disability who wish to provide comments and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

RAMEZ ZIADEH, P.E.,
Chairperson

[Pa.B. Doc. No. 22-2014. Filed for public inspection December 23, 2022, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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) 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. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action 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.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Jesse S. Glick—Veal Farm Jesse S. Glick 968 West Valley Road Loganton, PA 17745	Clinton County/ Greene Township	64.54	Veal/ Equine	Amended	Approved
Matthew L. Shirk—Shirk Farms Matthew L. Shirk 2596 Scholl Road Middleburg, PA 17842	Snyder County/ Centre Township	82.27	Broilers	New	Approved

RAMEZ ZIADEH, P.E.,
Chairperson

[Pa.B. Doc. No. 22-2015. Filed for public inspection December 23, 2022, 9:00 a.m.]
