

PENNSYLVANIA BULLETIN

Volume 52
Saturday, November 5, 2022 • Harrisburg, PA
Number 45
Pages 6829—6948

Agencies in this issue

The Courts
Department of Banking and Securities
Department of Community and Economic
Development
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Revenue
Department of State
Department of Transportation
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Office of the State Fire Commissioner
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Chiropractic
State Board of Cosmetology
State Board of Dentistry
State Board of Education
State Board of Nursing
State Employees' Retirement Board
Detailed list of contents appears inside.



**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 576, November 2022

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please email changes to info@pabulletin.com or mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2022 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

JUDICIAL SYSTEM GENERAL PROVISIONS

- Amendments to the Continuing Legal Education Board rules and regulations for diversity and sexual harassment awareness training for attorneys 6838
- Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; order No. 104 6841
- Continuing Legal Education Board regulations 6838

LOCAL COURT RULES

Adams County

- Rule of judicial administration 160; administrative order Number 16 of 2022..... 6842

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF BANKING AND SECURITIES

Notices

- Actions on applications..... 6874
- Adjustment to definition of “base figure” in the Loan Interest and Protection Law..... 6874

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

- Public comment period, first public hearing and Pennsylvania Housing Advisory Committee meeting; 2023 annual action plan 6875

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

- Applications, actions and special notices..... 6876
- Availability of technical guidance 6932
- Citizens Advisory Council and Environmental Justice Advisory Board joint meeting..... 6933
- Draft National Pollutant Discharge Elimination System general permit for discharges from small flow treatment facilities (PAG-04)..... 6933
- Draft Water Quality Management general permit for small flow treatment facilities (WQG-01)..... 6934
- Environmental Justice Advisory Board meeting and Citizens Advisory Council joint meeting 6935
- Reclamation Committee meeting..... 6935

DEPARTMENT OF HEALTH

Notices

- Long-term care nursing facilities; requests for exception..... 6936
- State Child Death Review Team meeting..... 6936

DEPARTMENT OF HUMAN SERVICES

Notices

- Addition to the Medical Assistance program fee schedule for the administration of a booster dose of the SARS-CoV-2 vaccine manufactured by Moderna, Inc. 6936

DEPARTMENT OF REVENUE

Notices

- Pennsylvania Millionaire Raffle XXXII raffle lottery game..... 6937

DEPARTMENT OF STATE

Notices

- Publication of proposed constitutional amendments . 6939

DEPARTMENT OF TRANSPORTATION

Notices

- Green Light—Go: Pennsylvania’s Municipal Signal Partnership Program; invitation to submit applications..... 6939
- Inspection Advisory Board meeting..... 6940
- Medical Advisory Board meeting..... 6940

FISH AND BOAT COMMISSION

Notices

- Changes to list of Class A wild trout waters; October 2022 6940
- Classification of wild trout streams; changes; October 2022 6940
- Special regulation designations 6941

GAME COMMISSION

Rules and Regulations

- Preliminary provisions; definitions..... 6857
- Preliminary provisions; definitions; lands and buildings; shooting ranges..... 6858

Proposed Rulemaking

- Hunting and trapping; general..... 6871
- Preliminary provisions; definitions; lands and buildings; State game lands 6870
- Special permits; furbearer hunting-trapping permits . 6872

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

- Actions taken by the Commission..... 6941
- Notice of comments issued 6943

INSURANCE DEPARTMENT

Notices

- Application for approval of proposed merger of HealthAssurance Pennsylvania, Inc. with and into Aetna Life Insurance Company..... 6944
- Nicholas Arbutina; consent order; doc. No. CO21-11-004 6944
- Emil Kesselring; license denial appeal; doc. No. AG22-10-017 6944
- MedAmerica Insurance Company (SERFF # TRIP-133436940); rate increase filing for several LTC forms; rate filing..... 6945
- Review procedure hearings; cancellation or refusal of insurance 6945

Available Online at <http://www.pacodeandbulletin.gov>

United Security Assurance Company of Pennsylvania; rate increase filing for individual LTC form TQLTC-97-U (SERFF # USPA-133426544); rate filing..... 6945

Unum Life Insurance Company of America; rate increase filing for group LTC forms B.LTC, TQB.LTC, GLTC95 and TQGLTC95 (SERFF # UNUM-133413118); rate filing..... 6945

OFFICE OF THE STATE FIRE COMMISSIONER

Notices

Inflation adjustment for the Fire and Emergency Medical Service Loan Program..... 6946

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications..... 6946
Wastewater service 6947

PHILADELPHIA PARKING AUTHORITY

Notices

Service of notice of motor carrier applications in the City of Philadelphia..... 6948

STATE BOARD OF CHIROPRACTIC

Proposed Rulemaking

Child abuse reporting requirements..... 6861

STATE BOARD OF COSMETOLOGY

Rules and Regulations

Fees 6846

STATE BOARD OF DENTISTRY

Rules and Regulations

Fees 6849

STATE BOARD OF EDUCATION

Rules and Regulations

Student attendance and student rights and responsibilities..... 6844

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v. Tomassa L. Davis, LPN; case No. 19-51-001069 ... 6948

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 6948

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

Subscription Information: (717) 766-0211
General Information and Finding Aids: (717) 783-1530

Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish information except as provided by 1 Pa. Code § 3.44:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the [Legislative Reference] Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2022.

4 Pa. Code (Administration)

Adopted Rules

| | |
|------|-----------------------|
| 1 | 936 |
| 6 | 6688 |
| 7 | 336, 4227, 5788, 6140 |
| 601a | 1454 |
| 602a | 1454 |
| 603a | 1454 |
| 604a | 1454 |
| 605a | 1454 |
| 606a | 1454 |
| 607a | 1454 |

Statements of Policy

| | |
|-----|--|
| 1 | 4242 |
| 9 | 1112, 1276, 1742, 2218, 2972, 3439, 4139, 5133, 5657, 5817, 6454 |
| 801 | 6704 |

7 Pa. Code (Agriculture)

Adopted Rules

| | |
|-----|------|
| 160 | 2699 |
|-----|------|

16 Pa. Code (Community Affairs)

Proposed Rules

| | |
|----|------|
| 41 | 2122 |
|----|------|

17 Pa. Code (Conservation and Natural Resources)

Proposed Rules

| | |
|----|------|
| 45 | 5476 |
|----|------|

22 Pa. Code (Education)

Adopted Rules

| | |
|------|------|
| 4 | 3946 |
| 11 | 6844 |
| 12 | 6844 |
| 49 | 2451 |
| 741 | 356 |
| 741a | 356 |

Statements of Policy

| | |
|-----|------|
| 238 | 1009 |
|-----|------|

25 Pa. Code (Environmental Protection)

Adopted Rule

| | |
|------|------|
| 88 | 5804 |
| 90 | 5804 |
| 121 | 1875 |
| 129 | 1875 |
| 145 | 2471 |
| 208 | 5813 |
| 271 | 6697 |
| 279 | 6697 |
| 1021 | 6534 |

Proposed Rules

| | |
|------|------|
| 92a | 361 |
| 109 | 1245 |
| 121 | 689 |
| 129 | 689 |
| 218 | 5500 |
| 250 | 4235 |
| 261a | 235 |
| 271 | 363 |
| 279 | 363 |

28 Pa. Code (Health and Safety)

Adopted Rules

| | |
|------|-----|
| 1141 | 359 |
| 1151 | 359 |
| 1161 | 359 |
| 1171 | 359 |
| 1181 | 359 |
| 1191 | 359 |
| 1211 | 359 |
| 1230 | 359 |

Proposed Rules

| | |
|-----|------------|
| 18 | 3587 |
| 201 | 1626, 3070 |
| 207 | 3070 |
| 209 | 1626, 3070 |
| 211 | 1626, 3070 |

31 Pa. Code (Insurance)

Proposed Rules

| | |
|-----|-----------|
| 90j | 830, 4396 |
|-----|-----------|

Statements of Policy

| | |
|----|------|
| 89 | 2128 |
|----|------|

34 Pa. Code (Labor and Industry)

Adopted Rules

| | |
|-----|------|
| 101 | 1480 |
| 111 | 3317 |
| 231 | 2701 |
| 401 | 971 |
| 403 | 971 |

40 Pa. Code (Liquor)

Adopted Rules

| | |
|----|------|
| 3 | 4090 |
| 5 | 4090 |
| 11 | 4090 |

Proposed Rules

| | |
|----|------|
| 13 | 3318 |
|----|------|

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

| | |
|----|------|
| 3 | 1485 |
| 7 | 6846 |
| 13 | 1600 |
| 16 | 1899 |
| 17 | 1899 |
| 18 | 1899 |
| 19 | 444 |
| 21 | 1916 |
| 27 | 3822 |
| 29 | 4401 |
| 33 | 6849 |
| 37 | 17 |
| 39 | 2963 |
| 41 | 446 |
| 42 | 448 |
| 47 | 1608 |
| 48 | 1608 |
| 49 | 1608 |

Proposed Rules

1 1736, 2969
 5 6861
 6 1978
 7 2558
 16 4923
 18 985
 25 6537
 31 1980
 41 6550
 42 835, 6560

52 Pa. Code (Public Utilities)

Adopted Rules

51 5934
 53 5049, 6360
 63 5049, 6360
 64 5049, 6360
 65 4096
 66 4096

Proposed Rules

3 4926
 53 6160, 6703
 59 992
 65 4926

55 Pa. Code (Human Services)

Adopted Rules

123 2548
 133 2548

Proposed Rules

5230 3828

58 Pa. Code (Recreation)

Adopted Rules

61 5946
 63 5947, 5948, 5949
 65 5950, 5951
 103 5952
 105 5952
 109 5952
 111 5952, 5953
 113 983
 131 6857, 6858
 135 6858
 141 3065, 5466, 5469, 5470
 147 3066, 5471, 5472, 5474
 623b 1491, 3224
 627b 1491
 629b 1491

Proposed Rules

51 3982
 57 3423
 61 3320, 5649
 63 1494, 3321, 3322, 3423, 3434, 3984, 5650
 65 1494, 1496
 69 3982
 71 3423
 71a 3423
 73 3423
 91 3982
 93 3982
 97 3323
 103 3435
 105 3435
 107 5651
 109 3435
 111 3324, 3435, 5652
 131 5653, 6870

135 5653, 6870
 141 3101, 3102, 3105, 6871
 147 3106, 3107, 3108, 6872
 461a 2211
 469a 2211

67 Pa. Code (Transportation)

Adopted Rules

55 68

101 Pa. Code (General Assembly)

Statements of Policy

31 1642

201 Pa. Code (Rules of Judicial Administration)

Proposed Rules

19 2561

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 339, 4083, 5926, 6530
 71 341
 82 964, 6838
 83 1733, 1974, 2955, 4392, 5634
 85 2581
 87 2581
 89 2581
 91 2581, 6841
 93 2581, 4915, 6841
 309 6144, 6351

Proposed Rules

81 942, 6357
 83 942, 965, 4392
 303 583
 309 2344
 311 2351

207 Pa. Code (Judicial Conduct)

Adopted Rules

1 680, 2208
 3 3932
 33 3937
 51 3937

210 Pa. Code (Appellate Procedure)

Adopted Rules

3 6036
 19 9
 65 4231

Proposed Rules

1 5634
 3 4915
 5 2561
 9 5634
 11 5634
 13 4915, 5634
 15 5634
 16 1452, 5634

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 440
 400 10, 682
 1000 5792
 1300 3213
 1915 826
 1930 3579
 2120 5792
 2150 5792

2170 5792
 Part II 441, 684

Proposed Rules

240 2561
 400 5927
 1000 5118, 5640
 2000 5640
 Part II 2561, 3057, 5119

234 Pa. Code (Rules of Criminal Procedure)

Proposed Rules

1 205, 346
 4 2561
 5 205, 346, 2689, 3215
 6 346
 7 205
 10 205, 346

237 Pa. Code (Juvenile Rules)

Proposed Rules

1 2561
 5 11

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

300 2357

Proposed Rules

200 2561
 300 3816

249 Pa. Code (Philadelphia Rules)

Unclassified 230, 827, 3418, 3582, 3938, 5121, 5643, 6150

252 Pa. Code (Allegheny County Rules)

Unclassified 13, 4919

255 Pa. Code (Local Court Rules)

Unclassified 14, 15, 16, 231, 232, 233, 353,
 443, 685, 828, 968, 969, 1111, 1453, 1599, 1734, 1975,
 1976, 2208, 2360, 2584, 2585, 2695, 2697, 2792, 2843,
 3059, 3218, 3220, 3312, 3418, 3419, 3420, 3421, 3582,
 3678, 3944, 4085, 4086, 4232, 4921, 5124, 5125, 5644,
 5645, 5803, 5929, 5930, 5931, 5932, 5933, 6153, 6155,
 6158, 6452, 6531, 6842

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

Continuing Legal Education Board Regulations

The official text of the Continuing Legal Education Board Regulations, 204 Pa. Code Chapter 82, Subchapter B, section 3 is set forth in Annex A. The text in Annex A reflects the amendments to section 3 effective January 23, 2014, and May 9, 2018, that were previously omitted from the *Pennsylvania Code*.

Effective Date.

The following provisions took effect January 23, 2014:

- (1) The addition of section 3(d).
- (2) The redesignation of section 3(e).

The addition of section 3(f) took effect May 9, 2018.

By the Continuing Legal Education Board of the Supreme Court of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

Section 3. Minimum Education Requirements.

Every active lawyer shall complete the following annual CLE minimum requirements:

(a) Commencing January 1, 1994, the CLE requirement for each compliance group shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse and a minimum of five (5) hours of substantive law, practice and procedure.

(b) Commencing September 1, 1994, the CLE requirement for each compliance group shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse and a minimum of eight (8) hours of substantive law, practice and procedure and shall be first applicable to the compliance groups as follows:

- Compliance Group II August 31, 1995
- Compliance Group III December 31, 1995
- Compliance Group I April 30, 1996

(c) Commencing September 1, 1995, the CLE requirement shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse and a minimum of eleven (11) hours of substantive law, practice and procedure and shall be first applicable to the compliance groups as follows:

- Group II August 31, 1996
- Group III December 31, 1996
- Group I April 30, 1997

(Editor's Note: Section 3(d) was added January 23, 2014, effective immediately.)

(d) Commencing January 30, 2014, the CLE requirement shall be a minimum of (2) hours of ethics, professionalism, or substance abuse and a minimum of (10) ten hours of substantive law, practice and procedure and shall be first applicable to the compliance groups as follows:

- Group I April 30, 2015
- Group II August 31, 2015
- Group III December 31, 2015

(Editor's Note: Section 3(e) was redesignated from subsection (d) to subsection (e) January 23, 2014, effective immediately.)

(e) CLE credits for ethics, professionalism, or substance abuse may be applied to any substantive law, practice and procedure requirement.

(Editor's Note: Section 3(f) was added May 9, 2018, effective immediately.)

(f) The CLE requirement for lawyers with an Emeritus status shall be a minimum of two (2) hours of ethics, professionalism or substance abuse and a minimum of six (6) hours of substantive law, practice and procedure.

[Pa.B. Doc. No. 22-1683. Filed for public inspection November 4, 2022, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

Amendments to the Continuing Legal Education Board Rules and Regulations for Diversity and Sexual Harassment Awareness Training for Attorneys

Notice of Proposed Rulemaking

Notice is hereby given that The Continuing Legal Education Board (the "CLE Board") of the Supreme Court of Pennsylvania is considering recommending to the Supreme Court of Pennsylvania that it adopt new Amendments to Rule 105 of the Pennsylvania Rules for Continuing Legal Education ("Pa.R.C.L.E.") and Section 3 of the applicable Regulations for Continuing Legal Education.

The proposed Rule and Regulation changes will, if adopted, rename the "Ethics" category to "Ethics and Professionalism" and create a one-time mandatory ethics and professionalism component of the CLE requirement for training on Diversity, Inclusion and Anti-Bias and Sexual Harassment Awareness and Prevention as set forth in Attachments A and B.

Specifically, the proposed Rule and Regulation changes, if adopted, will:

- Maintain the present 12-credit annual requirement with the substantive credit requirement to remain at 10;
- Rename the "Ethics" category, to "Ethics and Professionalism," preserving the requirement of at least two credits annually; and

- Require that by the conclusion of a lawyer’s second full compliance period following adoption, each attorney must obtain one Diversity, Inclusion and Anti-Bias Training (collectively “Diversity”) credit and one Sexual Harassment Awareness and Prevention Training (collectively, Sexual Harassment”) credit, each related to lawyers and the practice of law, which shall be tracked by the CLE Board as “Ethics and Professionalism” credits and included as part of what is currently an attorney’s annual two-credit Ethics requirement.

The chart below is a comparison of the current CLE requirements and the proposed rule and regulation change:

| <i>CURRENT</i> | <i>PROPOSED</i> |
|---|--|
| 12 CREDIT ANNUAL CLE REQUIREMENT | 12 CREDIT ANNUAL CLE REQUIREMENT |
| 10 OF 12 CREDITS SUBSTANTIVE | 10 OF 12 CREDITS SUBSTANTIVE |
| 2 OF 12 CREDITS ETHICS | 2 OF 12 CREDITS ETHICS AND PROFESSIONALISM |
| NO DIVERSITY OR SEXUAL HARASSMENT REQUIREMENT | 1 CREDIT DIVERSITY AND 1 CREDIT SEXUAL HARASSMENT WITHIN FIRST 2 COMPLIANCE PERIODS, EACH RELATED TO LAWYERS AND THE PRACTICE OF LAW |

The net result of this proposed rule and regulation change would be that by the conclusion of a lawyer’s second full compliance period following implementation of this proposed rule and regulation change, every Pennsylvania attorney will have taken at least one hour of Diversity Training and at least one hour of Sexual Harassment Training. Subject to further Order of the Pennsylvania Supreme Court, this requirement then terminates as to each lawyer upon completion of such coursework, although lawyers then will have the option of taking additional Diversity Training and Sexual Harassment Training coursework within the basket of available Ethics and Professionalism courses. Newly admitted attorneys will also have additional exposure to such categories through the Bridge the Gap program.

By way of background, in recent years, both the Supreme Court of Pennsylvania and the CLE Board have received input from various professional organizations and stakeholders affiliated with the Pennsylvania legal community expressing support for mandatory coursework on the proposed subject matter. The Supreme Court asked the CLE Board to review the matter and, if deemed appropriate by the CLE Board, make an informed recommendation to the Court for any proposed Rule or Regulation changes. In response, the CLE Board reviewed the comments received and the myriad of additional factors to help inform the CLE Board as to the appropriate response to these concerns. As part of this analysis, the CLE Board considered the following:

- In 2005, the Court created the Pennsylvania Interbranch Commission on Gender, Racial and Ethical Fairness, which recommended that all Court employees be required to participate in elimination of bias training, and that such training be available to all aspects of the justice system.
- In 2008, the Pennsylvania Supreme Court adopted its policy on Non-Discrimination and Equal Employment Opportunity in which the Court declared that, “it is the

policy of the Unified Judicial System of Pennsylvania (UJS) to ensure that all individuals having business with the UJS are treated in a dignified, civil, respectful and non-discriminatory manner.” This policy was cited in various bar association letters of support for mandatory Diversity, Inclusion and Anti-Bias Training. In addition to other forms of discrimination, this policy expressly prohibits all forms of sexual harassment in the courts throughout the Commonwealth.

- Advocates for diversity training noted that for over a decade voluntary coursework has been offered, yet the attendees were primarily minority attorneys or attorneys with a history of work on diversity and inclusion issues.
- Various studies consistently indicated a significant number of women in the law firm workplace have experienced sexual harassment. For example, an international research firm, Acritas, published a study in 2018 involving approximately 8,700 lawyers (including 2,000 senior in-house counsel, 1,700 “higher performing” law firm attorneys, and 5,000 lawyers responding to a web survey) that 35 percent of women attorneys surveyed indicated that they had been sexually harassed at work, which included receiving sexually suggestive comments, and being subject to inappropriate physical contact.

The CLE Board spent considerable time evaluating whether such training should be mandatory and concluded that some level of mandated requirement was needed to address these issues. The CLE Board was mindful of the levels of concern that all attorneys participate in some type of meaningful programming addressing Diversity and Sexual Harassment Training issues. Without some type of mandated training, many attorneys who would benefit from better understanding of these workplace issues would not even consider the relevance to their practice or the positive impact such training may have on their law firm or their practice. Ultimately, the CLE Board concluded that the mere availability of such coursework is insufficient to address these topics and to ensure a comprehensive dialogue takes place among Pennsylvania licensed attorneys—a dialogue facilitated through continuing legal education requirements.

The CLE Board also makes note of a relevant diversity initiative it has undertaken in recent years. Through a partnership with the Carnegie Mellon University Entertainment and Technology center, the CLE Board developed an interactive educational experience, entitled, “Objection” which explores diversity and bias issues in the legal profession. This scenario-based ethics program is made available to Pennsylvania Accredited Providers and is regularly offered to lawyers throughout the Commonwealth. The CLE Board is committed to working with course providers to develop a catalogue of meaningful training options in subjects of Diversity and Sexual Harassment Prevention. These efforts will not only facilitate compliance with the proposed ethics and professionalism requirement but also spread awareness of compelling issues and help reinforce a principled and non-discriminatory legal infrastructure in Pennsylvania.

Interested persons are invited to submit written comments to the proposed amendments on or before January 5, 2023. Comments should be submitted by email to kbuggy@pacle.org or regular mail addressed to the Continuing Legal Education Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 3400, PO Box 62495, Harrisburg, PA 17106-2495.

By the Continuing Legal Education Board of the
Supreme Court of Pennsylvania

Annex A

**TITLE 204. JUDICIAL SYSTEM GENERAL
PROVISIONS**

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter A. PROFESSIONAL RESPONSIBILITY

(Editor's Note: The text of Rule 105 does not reflect the current codified text in 204 Pa. Code.)

Rule 105. CLE Requirement.

(a) *General Requirements:*

1. Every active lawyer shall annually complete, during the compliance period to which **they are [he or she is]** assigned, the CLE required by the Board pursuant to these rules and established in Board regulations.

2. CLE shall be on the subjects of:

- (i) substantive law, practice, and procedure, **and**
- (ii) **[lawyer]** ethics and **professionalism [, the rules of professional conduct]**
- (iii) **[professionalism]**
- (iv) **[substance abuse as it affects lawyers and the practice of law].**

3. The minimum annual CLE requirement shall be **[nine (9) hours, effective September 1, 1994, and]** twelve (12) hours, **[effective September 1, 1995].**

(b) *Fulfillment Requirements:* The CLE requirement shall be fulfilled by attending the required number of CLE courses by providers or completing a CLE activity approved by the Board as sufficient to meet the CLE general requirement.

(c) Every newly admitted attorney shall attend the Bridge the Gap program, of at least four (4) credit hours, sponsored by **an** approved Bridge the Gap CLE provider prior to **their [his or her]** first compliance deadline.

(d) Lawyers with an Emeritus license shall complete an annual CLE requirement of eight (8) hours pursuant to these rules and established in Board regulations.

**Subchapter B. CONTINUING LEGAL EDUCATION
BOARD REGULATIONS**

(Editor's Note: The official text of section 3 is set forth at 52 Pa.B. 6838).

Section 3. Minimum Education Requirement.

Every active lawyer shall complete the following annual CLE minimum requirements:

(a) **[Commencing January 1, 1994,]** The CLE requirement **[for each compliance group]** shall be a minimum of **[one (1)] two (2) hours** of ethics **and** professionalism **[or substance abuse]** and a minimum of **[five (5)] ten (10) hours** of substantive law, practice, and procedure, **[.] and shall be applicable to the compliance groups as follows:**

Compliance Group I—April 30 of each calendar year

Compliance Group II—August 31 of each calendar year

Compliance Group III—December 31 of each calendar year

(b) **[Commencing September 1, 1994, the CLE requirement for each compliance group shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse a minimum of eight (8) hours of substantive law, practice, and procedure and shall be first applicable to the compliance groups as follows:**

- **Compliance Group II—August 31, 1995**
- **Compliance Group III—December 31, 1995**
- **Compliance Group I—April 30, 1996]**

For purposes of this Regulation, the CLE requirement on "ethics and professionalism" shall include (1) lawyer ethics and the rules of professional conduct, (2) lawyer professionalism, (3) substance abuse as it affects lawyers and the practice of law, (4) diversity, inclusion and anti-bias training related to lawyers and the practice of law, (5) sexual harassment awareness and prevention training related to lawyers and the practice of law, and (6) such other subjects as may be designated in the future by the Pennsylvania Supreme Court.

(c) **[Commencing September 1, 1995, the CLE requirement shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse and a minimum of eleven (11) hours of substantive law, practice and procedure and shall be first applicable to the compliance groups as follows:**

- **Group II—August 31, 1996**
- **Group III—December 31, 1996**
- **Group I—April 30, 1997]**

To be completed by the conclusion of a lawyer's second full compliance period following adoption of this Regulation, the CLE requirement for ethics and professionalism shall include a minimum of one (1) hour in subjects relating to diversity, inclusion and anti-bias training, and a minimum of (1) hour in subjects relating to sexual harassment awareness and prevention training.

(d) **[Commencing January 30, 2014, the CLE requirement shall be a minimum of (2) hours of ethics, professionalism, or substance abuse and a minimum of (10) ten hours of substantive law, practice and procedure and shall be first applicable to the compliance groups as follows:**

- **Group I—April 30, 2015**
- **Group II—August 31, 2015**
- **Group III—December 31, 2015]**

For all newly admitted lawyers, in addition to their requirement to fulfill their Bridge the Gap requirement, a minimum of one (1) hour in subjects relating to the diversity, inclusion and anti-bias training, and a minimum of one (1) hour in subjects relating to sexual harassment awareness and prevention training must be completed no later than the end of the second period in which their CLE compliance is required.

(e) [CLE credits for ethics, professionalism, or substance abuse may be applied to any substantive law, practice, and procedure requirement.]

Subject to further Order of the Pennsylvania Supreme Court, the CLE ethics and professionalism requirement that lawyers must take a minimum of one (1) hour in subjects relating to diversity, inclusion and anti-bias training, and a minimum of one (1) hour in subjects relating to sexual harassment awareness and prevention training automatically terminates as to each lawyer upon completion of such coursework, although lawyers then have the option of taking, but are not mandated to take, additional coursework in these subjects to fulfill their annual CLE ethics and professionalism requirement.

(f) [e] CLE credits for ethics and professionalism, [or substance abuse] may be applied to any substantive law, practice, and procedure requirement.

(g) [f] The CLE requirement for lawyers with an Emeritus status shall be a minimum of two (2) hours of ethics and professionalism [or substance abuse] and a minimum of six (6) hours of substantive law, practice and procedure.

[Pa.B. Doc. No. 22-1684. Filed for public inspection November 4, 2022, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania; Order No. 104

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania amends its Board Rules and Procedures to modify Rule § 91.151 (related to emergency temporary suspension orders and related relief), Rule § 93.23 (related to the Board's powers and duties), and Rule § 93.107 (related to public access to public proceedings).

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

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

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

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

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

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

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

By The Disciplinary Board of the
Supreme Court of Pennsylvania

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter G. EMERGENCY PROCEEDINGS

§ 91.151. Emergency temporary suspension orders and related relief.

* * * * *

(h) Temporary suspension for more than two years without a formal proceeding. Enforcement Rule 208(f)(8) provides that where a respondent-attorney has been temporarily suspended under Enforcement Rule 208(f)(1) or (f)(5) and more than two years have passed without the commencement of a formal proceeding, and it appears by an affidavit demonstrating facts that:

(1) the respondent-attorney has not complied with conditions imposed in the order of temporary suspension or with the requirements of Enforcement Rule 217;

(2) the order of temporary suspension was based, in whole or in part, on the respondent-attorney's failure to provide information or records, and the respondent-attorney has not provided the information or records, or otherwise cured the deficiency;

(3) the respondent-attorney has engaged in post-suspension conduct, by act or omission, that materially delays or obstructs Disciplinary Counsel's ability to fully investigate allegations of misconduct against the respondent-attorney;

(4) the respondent-attorney's whereabouts are unknown, in that despite reasonably diligent efforts, Disciplinary Counsel has not been able to contact or locate the respondent-attorney for information or to serve notices or other process at the address provided by the respondent-attorney in the verified statement required by Enforcement Rule 217(e)(1) or at any other known addresses that might be current;

(5) a conservatorship of the affairs of the respondent-attorney has been appointed pursuant to Enforcement Rule 321; or

(6) the respondent-attorney has not participated in proceedings before the Pennsylvania Lawyers Fund for Client Security in which an adjudicated claim has resulted in an award,

Disciplinary Counsel may petition the Court for the issuance of a rule to show cause why an order of disbarment should not be entered. The procedure set forth in Enforcement Rule 208(f)(1) as to service shall apply. Upon the filing by Disciplinary Counsel of an affidavit establishing service compliance, the Court may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be disbarred, which rule is returnable in 30 days. The respondent-attorney shall serve a copy of any response on Disciplinary Counsel, who shall have fourteen days after receipt to file a reply.

Enforcement Rule 208(f)(9) provides that if a rule to show cause has been issued, and the period for response has passed without a response having been filed, or after consideration of any responses, the Court may enter an order disbarring the respondent-attorney from the practice of law, discharging the rule to show cause, or directing such other action as the Court deems appropriate.

[(h)] (i) *Procedural requirements.* The Note to Enforcement Rule [208(f)] 208(f)(7) provides that the “without appreciable delay” standard of subsections (f)(3) and (g) is derived from *Barry v. Barchi*, 443 U.S. 55, 99, (1979). Appropriate steps will be taken to satisfy this requirement, such as continuous hearing sessions, procurement of daily transcript, fixing of truncated briefing schedules, conducting special sessions of the Board, etc.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter B. THE DISCIPLINARY BOARD

§ 93.23. Powers and duties.

(a) *General rule.* Enforcement Rule 205(c) provides that the Board shall have the power and duty:

* * * * *

(17) To authorize the use of electronic means to conduct prehearing conferences and post-hearing proceedings before a hearing committee, special master or the Board, but all adjudicatory proceedings shall be conducted in person unless warranted by extraordinary circumstances. Witness testimony may be presented via ACT upon motion for cause shown. All proceedings shall be conducted in accordance with Board Rules, Enforcement Rules and the decisional law of the Court and the Board.

[(17)] (18) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

* * * * *

Subchapter F. CONFIDENTIALITY

§ 93.107. Broadcasting and other recording of proceedings. Public access to public proceedings.

(a) Enforcement Rule [402(j)] 402(j)(1) provides that this subchapter does not permit broadcasting, televising, recording or taking photographs during a proceeding under these rules, except that a hearing committee, a special master, the Board or the Supreme Court when conducting a proceeding may authorize the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration.

(b) Enforcement Rule 402(j)(2) provides that public access to a public proceeding before a hearing committee, special master or the Board shall con-

sist of or be supplemented by livestream technology, which access shall cease upon the conclusion of the proceeding. The official record of the proceeding shall be the record generated by the court reporter, as applicable.

(c) Enforcement Rule 402(j)(3) provides that a request for in-person access to a public proceeding other than by the parties, their attorneys and reasonably necessary staff shall be made to the Board at least 30 days in advance of the scheduled proceeding.

[Pa.B. Doc. No. 22-1685. Filed for public inspection November 4, 2022, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ADAMS COUNTY

Rule of Judicial Administration 160; Administrative Order Number 16 of 2022

Order of Court

And Now, this 25th day of October, 2022, the Court hereby modifies Rule 160 of the Adams County Rules of Judicial Administration as follows:

160. Termination of Inactive Cases.

A. Magisterial District Court-Traffic

1. In this subsection, the rule shall apply only to those summary traffic violations or parking violations in which a warrant has been issued pursuant to Pennsylvania Rule of Criminal Procedure Rule 430(A), Rule 430(B)(1)(a) or Rule 430(B)(2).

2. On or before the 15th day of November of each year, each Magisterial District Court shall:

i. Dismiss any summary citation or ticket filed under Title 75 (relating to vehicles) or under local ordinance pertaining to overtime parking which was issued three years prior to November 15th of each respective year.

ii. Vacate any active warrant in relation to the dismissed summary citation or ticket and promptly remove the warrant from MDJS, CPCMS or any other system or list in which the warrant has been issued.

iii. Forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant’s license suspension as needed pursuant to Pennsylvania Rule of Criminal Procedure Rule 470.

3. Each Magisterial District Court shall promptly provide a list of those cases being dismissed to Court Administration.

B. Magisterial District Court-Non-Traffic

1. On or before the 15th day of November of each year, each Magisterial District Court shall:

i. Identify all non-traffic summary cases where no plea has been entered and where there has been no evidence of activity in the three years prior to November 15th of each respective year.

ii. Compile a list that will indicate the name of the affiant, the name of the defendant, the docket number and the charge(s) associated with the docket number.

iii. Forward this list to Court Administration.

2. Upon receipt of the lists, Court Administration shall:

i. **[Submit the lists to the Adams County Legal Journal for publication] Publish the list in a newspaper of general circulation in Adams County for all cases in which the affiant is neither filing as a law enforcement officer nor a tax bureau or taxing authority.**

ii. **[Provide a copy of the lists to the District Attorney] For matters where the affiant is filing as a law enforcement officer, provide a copy of the list of those cases to the District Attorney.**

iii. **For matters where the affiant is a tax bureau or taxing authority, provide a copy of the list of those cases to the tax bureau or taxing authority.**

3. The publication **and lists sent to the District Attorney and tax bureau or taxing authority** shall include a disclaimer to indicate that the matters listed shall be terminated after 30 days of publication **or date of the lists sent to the District Attorney and tax bureau or taxing authority** unless a party to the proceeding requests a hearing from the appropriate Magisterial District Court.

i. **[If the defendant requests a hearing, the matter shall promptly be scheduled for such hearing or other disposition pursuant to the Rules of Criminal Procedure.**

ii.] If the [**Commonwealth**] **affiant** requests a hearing to oppose termination, the matter shall promptly be scheduled to determine if termination is appropriate.

[**iii.**] **ii.** Disposition of any hearing, including hearings where a citation or ticket is dismissed over the objection of the [**Commonwealth**] **affiant**, shall be filed of record in MDJS.

[**iv.**] **iii.** The [**Commonwealth**] **affiant** shall have the right to appeal any determination to the Court of Common Pleas within the time period for Summary Appeals pursuant to the Rules of Criminal Procedure.

4. In the event a hearing is not requested within 30 days of publication, the Magisterial District Court shall:

i. Dismiss the summary citation or ticket filed.

ii. Vacate any active warrant in relation to the dismissed summary citation or ticket and promptly remove the warrant from MDJS, CPCMS or any other system or list in which the warrant has been issued.

iii. For any matter involving a license suspension, forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension pursuant to Pennsylvania Rule of Criminal Procedure Rule 470.

The modifications to this rule shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

a. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

b. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to adminrules@pacourts.us;

c. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

d. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

e. The effective date of the local rule(s) shall be 30 days after publication in the *Pennsylvania Bulletin*.

f. For 2022, the District Court Administrator is authorized to publish the lists pursuant to this rule after November 15th as prescribed by Adams County Rule of Judicial Administration 160(B)(1), given that the rule changes described herein will not be in effect until after that date. It is directed that the District Court Administrator proceed to publication as soon as the rule change is effective.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 22-1686. Filed for public inspection November 4, 2022, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION [22 PA. CODE CHS. 11 AND 12]

Student Attendance and Student Rights and Responsibilities

The State Board of Education (Board) amends Chapters 11 and 12 (relating to student attendance; and student rights and responsibilities) to read as set forth in Annex A in this final-omitted rulemaking.

Statutory Authority

The Board is acting under the authority of sections 2603-B(a) and 2604-B(b)(2)(v) of the Public School Code of 1949 (24 P.S. §§ 26-2603-B(a) and 26-2604-B(b)(2)(v)).

Background

Section 1326 of the Public School Code of 1949 (24 P.S. § 13-1326) sets forth a definition for “compulsory school age” that establishes the ages during which attendance in school is required for children. Prior to the academic year commencing after August 27, 2019, the definition of “compulsory school age” required children to enter school no later than age 8 and to remain in school until the student reached at least age 17, unless the child had earned a certificate of graduation from high school. In the act of June 28, 2019 (P.L. 117, No. 16) (Act 16 of 2019), the General Assembly amended the definition of “compulsory school age” to lower the age by which attendance in school is required from age 8 to age 6 and to raise the age for compulsory attendance in school from 17 to 18, unless the child had earned a certificate of graduation from high school. Amendments to compulsory attendance requirements enacted by Act 16 of 2019 took effect with the academic year commencing after August 27, 2019.

Need for the Rule

Provisions of the Board’s regulations in §§ 11.13, 12.1(b) and 12.6(e) (relating to compulsory school age; free education and attendance; and exclusions from school) address requirements pertaining to compulsory school attendance. However, language in these provisions was not updated following the adoption of Act 16 of 2019 and continues to reference the ages for compulsory school attendance that were in effect prior to the General Assembly acting to amend the ages for compulsory attendance in Act 16. This final-omitted rulemaking is necessary to conform provisions in the Board’s regulations that address requirements related to compulsory attendance with the current definition of “compulsory school age” in section 1326 of the Public School Code of 1949. At the same time, the Board also is acting to correct a typographical error in the text of § 12.1(b)(4) as it is currently published.

Provisions of the Final-Omitted Rulemaking

This final-omitted rulemaking amends the following provisions in Chapters 11 and 12:

§ 11.13. *Compulsory school age*

The Board is amending § 11.13 to reflect amendments to the definition of “compulsory school age” enacted by Act

16 of 2019 that lowered the age at which attendance in school is required from age 8 to age 6 and increased the age through which compulsory attendance is required from age 17 to age 18, unless a student has graduated from high school. Technical amendments to this section update references to the ages for compulsory school attendance to be consistent with the current ages for compulsory attendance established in section 1326 of the Public School Code of 1949.

§ 12.1(b). *Free education and attendance*

The Board is making technical amendments to § 12.1(b) to conform references to the ages for compulsory attendance with the current definition for “compulsory school age” established in section 1326 of the Public School Code of 1949.

§ 12.1(b)(4). *Free education and attendance*

The Board is making a technical amendment to § 12.1(b)(4) to correct a typographical error in the spelling of the word “eligible” in the text of the regulation as it is currently published.

§ 12.6(e). *Exclusions from school*

The Board is making a technical amendment to § 12.6(e) to conform a reference to the age for compulsory attendance with the current definition for “compulsory school age” established in section 1326 of the Public School Code of 1949.

Affected Parties

This final-omitted rulemaking will affect this Commonwealth’s 1.7 million public school students and their parents or guardians, as well as this Commonwealth’s 124,000 classroom teachers and 8,192 school administrators, by creating consistency between a term as defined in statute and referenced in related regulations.

Cost and Paperwork Estimates

This final-omitted rulemaking will not impose any costs or additional administrative requirements on students, their parents, educators or school entities. This final-omitted rulemaking contains technical amendments that make related provisions in Chapters 11 and 12 consistent with statutory requirements that are already in effect. Thus, this final-omitted rulemaking will not alter the current practice of public school entities or current requirements for parents to have their children enter and continue in school.

Effective Date

This final-omitted rulemaking will take effect upon notice or publication in the *Pennsylvania Bulletin*.

Sunset Date

The Board will review the effectiveness of Chapters 11 and 12 every 4 years in accordance with the Board’s policy and practice respecting all of its regulations. Thus, no sunset date is necessary.

Contact Person

Persons who require additional information about this final-omitted rulemaking may submit inquiries to Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, 1st Floor, Harrisburg, PA 17126, ra-stateboardofed@pa.gov.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on August 22, 2022, the Board submitted a copy of the final-omitted regulation and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Education and the Senate Committee on Education. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

Under section 5.1(e) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(e) and (j.2)), on October 19, 2022, the final-omitted rulemaking was deemed approved by the House and Senate Education Committees. IRRC met on October 20, 2022 and approved the final omitted rulemaking. The Office of Attorney General approved the final-omitted rulemaking on September 20, 2022.

Findings

The Board finds that:

(1) Notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest under section 204(3) of the Commonwealth Documents Law (45 P.S. § 1204(3)) and the regulations thereunder, 1 Pa. Code § 7.4(3) (relating to omission of notice of proposed rulemaking).

(2) The amendment of the regulations in the manner provided in this order is necessary and appropriate for administration of the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

Order

Acting under the authority of the Public School Code of 1949, the Board orders that:

(a) The regulations of the Board, 22 Pa. Code Chapters 11 and 12, are amended by amending §§ 11.13, 12.1 and 12.6 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Executive Director of the Board shall submit this final-omitted rulemaking to IRRC and the House Education and Senate Education Committees as required by law.

(d) The Executive Director of the Board shall certify this final-omitted rulemaking, as approved for legality and form, and deposit it with the Legislative Reference Bureau as required by law.

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

KAREN MOLCHANOW,
Executive Director

(*Editor’s Note:* See 52 Pa.B. 6941 (November 5, 2022) for IRRC’s approval order.)

Fiscal Note: 6-352. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 11. STUDENT ATTENDANCE

ADMISSION TO PUBLIC SCHOOLS

§ 11.13. Compulsory school age.

Except as otherwise provided by law, compulsory school age refers to the period of a child’s life from the time the child enters school (which may be no later than at the age of 6 years), until the age of 18 or graduation from a high school, whichever occurs first.

CHAPTER 12. STUDENTS AND STUDENT SERVICES

STUDENT RIGHTS AND RESPONSIBILITIES

§ 12.1. Free education and attendance.

(a) All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth’s public schools.

(b) Parents or guardians of all children between the ages of 6 and 18 are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 18 years of age if they are fulfilling their responsibilities as students. A student may not be excluded from the public schools or from extracurricular activities because:

- (1) The student is married.
- (2) The student is pregnant.
- (3) The student has a disability as identified by Chapter 15 (relating to protected handicapped students).
- (4) The student is an eligible student identified under Chapter 14 (relating to special education services and programs).

§ 12.6. Exclusions from school.

* * * * *

(e) Students who are under 18 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.

(1) The initial responsibility for providing the required education rests with the student’s parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district’s superintendent.

(2) Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student’s education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C.A. §§ 1400—1482).

(3) If the approved educational program is not complied with, the school entity may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act)

to ensure that the child will receive a proper education. See § 12.1(b) (relating to free education and attendance).

[Pa.B. Doc. No. 22-1687. Filed for public inspection November 4, 2022, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF COSMETOLOGY

[49 PA. CODE CH. 7]

Fees

The State Board of Cosmetology (Board) and the Acting Commissioner of the Bureau of Professional and Occupational Affairs (Acting Commissioner) amend § 7.2 (relating to fees) to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon notice or publication in the *Pennsylvania Bulletin*. The initial graduated increase for application fees will be implemented on the date of publication of this final-form rulemaking in the *Pennsylvania Bulletin* and then on July 1, 2024. The increased biennial renewal fees will be effective on the date of publication of this final-form rulemaking in the *Pennsylvania Bulletin*, which the Board anticipates will increase the biennial renewal fees beginning with the February 1, 2023—January 31, 2025, renewal period. This fee increase will impact licenses that expire on January 31, 2023, and licenses that expire on January 31, 2024. The increased biennial renewal fees will increase again on July 1, 2024, which will increase the biennial renewal fees beginning with the February 1, 2025—January 31, 2027, renewal period. This fee increase will impact licenses that expire on January 31, 2025, and also licenses that expire on January 31, 2026, and thereafter.

Statutory Authority

Under section 16(a) of the Cosmetology Law (act) (63 P.S. § 522(a)), the Board shall, by regulation, fix fees for: cosmetology salon owners, teachers, cosmetologists, nail technicians, nail technology salons, estheticians, esthetician salons, natural hair braiders, natural hair braiding salons, students and cosmetology schools and registration fees for apprentices. Section 16(a) also provides authority to fix fees for the biennial renewal of cosmetology salon owners, school instructors, cosmetologists, nail technicians, estheticians, natural hair braiders, cosmetology schools, nail technology salons, esthetician salons and natural hair braiding salons.

Additionally, under section 16(c) of the act, all fees required under this act shall be fixed by the Board by regulation and shall be subject to the Regulatory Review Act (71 P.S. §§ 745.1—745.14). “If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Section 16(d) of the act provides, “If the Bureau of Professional and Occupational Affairs determines that the fees established by the board pursuant to subsection (c) of this section are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the Board

and subject to the “Regulatory Review Act,” shall increase the fees by regulation in an amount that adequate revenues are raised to meet the required enforcement effort.”

The Acting Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under section 810(a)(7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7)), the Acting Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department.”

Background and Purpose of Amendment

This final-form rulemaking increases application fees to reflect updated costs of processing applications and increases the Board’s biennial renewal fees to ensure its revenue meets or exceeds the Board’s current and projected expenses. This final-form rulemaking increases the following application fees on a graduated basis: cosmetologist, nail technician, esthetician, natural hair braider, cosmetology teacher, limited practice teacher (nail technician teacher, esthetician teacher and natural hair braider teacher) cosmetology salon, limited practice salon (nail technician salon, esthetician salon and natural hair braider salon) cosmetology school, licensure by reciprocity and registration of cosmetology apprentice. Approximately 11,029 applicants will be impacted annually by the increased application fees.

The Board is also implementing graduated biennial renewal fee increases for the following licenses, certificates and registrations: cosmetologist, nail technician, esthetician, natural hair braider, cosmetology teacher, limited practice teacher (nail technician teacher, esthetician teacher, and natural hair braider teacher) cosmetology salon, limited practice salon (nail technician salon, esthetician salon and natural hair braider salon) and cosmetology school. There are approximately 125,467 individuals who possess current licenses, certificates and registrations issued by the Board who are required to pay more to renew their licenses, certifications or registrations. Licensees under the Board have different renewal periods; some renew in the 2023—2025 biennial renewal period and others renew in the 2025—2027 renewal period.

In addition, this final-form rulemaking increases other miscellaneous fees including, approval of cosmetology school supervisor application, change in cosmetology salon or limited practice salon (inspection required), change in cosmetology salon or limited practice salon (no inspection required), change in cosmetology school (inspection required), change in cosmetology school (no inspection required), reinspection of cosmetology salon or limited practice salon or cosmetology school, certification of student or apprentice training hours and verification of license, registration, permit or approval.

Under section 16 of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties. Board expenses are the result of direct charges, timesheet-based charges and licensee-based charges. On an annual basis, the Board reviews its fiscal status and receives an annual

report from the Department of State's Bureau of Finance and Operations (BFO) regarding the Board's income and expenses.

The Board receives an annual report from the Department of State's BFO regarding the Board's income and expenses. The Board's revenue and expenses for Fiscal Years (FY) 2018-2019 and 2019-2020 and the projected revenue and expenses through FY 2021-2022, and FY 2022-2023, are as follows: during FY 2018-2019, the Board received revenue of \$5,257,912.96 and incurred expenses of \$5,171,879.74, and ended with a deficit of \$1,674,126.54, during FY 2019-2020, the Board received revenue of \$4,942,576.49 and incurred expenses of \$5,409,577.32, and ended with a deficit of \$2,140,868.37, during FY 2020-2021, the Board received revenue of \$5,256,402.78 and incurred expenses of \$5.36 million, and ended with a deficit of \$2,244,724.59, and for combined FYs 2021-2022 and 2022-2023, the Board is expected to generate revenue of \$10,616,000, incur expenses of \$11,093,000, and end with a deficit of \$2,721,724.59.

Based on the information presented by the BFO, the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of the act are not sufficient to meet expenditures over a 2-year period.

Description of Amendments

The Board amends § 7.2 to set forth graduated fee schedules for application fees, biennial renewal fees and other fees. The Board also deletes the existing fee schedule and adds a new graduated fee schedule. Subsection (a) lists the graduated schedule of fees for applications for licensure, certification and registration with corresponding fees and effective dates. The Board adds subsection (b), which lists the graduated schedule of fees and corresponding effective dates for biennial license renewal. The Board also adds subsection (c), which lists other fees not associated with a profession or type of facility.

Under subsection (a), application fees increase on a graduated level for the licenses and registrations of cosmetologists, nail technicians, estheticians, natural hair braiders, cosmetology teachers, limited practice teacher (nail technician teacher, esthetician teacher and natural hair braider teacher) cosmetology salon, limited practice salon (nail technician salon, esthetician salon and natural hair braider salon) cosmetology school, licensure by reciprocity and registration of cosmetology apprentices. The application fees are increased on a graduated basis so that the application fees collected during each biennium reflect the anticipated costs of processing applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants.

Under subsection (b), biennial renewal fees also increase on a graduated basis for cosmetologist, nail technician, esthetician, natural hair braider, cosmetology teacher, limited practice teacher (nail technician teacher, esthetician teacher and natural hair braider teacher) cosmetology salon, limited practice salon (nail technician salon, esthetician salon and natural hair braider salon) and cosmetology school.

Other miscellaneous application fees are listed under subsection (c), including approval of cosmetology school supervisor application, change in cosmetology salon or limited practice salon (inspection required), change in cosmetology salon or limited practice salon (no inspection required), change in cosmetology school (inspection required), change in cosmetology school (no inspection

required), reinspection of cosmetology salon or limited practice salon or cosmetology school, certification of student or apprentice training hours and verification of license, registration, permit or approval. These fees increase on a graduated schedule on the date of publication of this final-form rulemaking in the *Pennsylvania Bulletin*, and July 1, 2024.

The new fee structure is projected to produce biennial revenues of \$12,863,000 in FYs 2022-2023 through 2023-2024, which will allow the Board to meet or exceed its projected expenditures of \$11.260 million and reduce its deficit. The biennial revenues of \$14.792 million in FYs 2024-2025 through 2025-2026 will allow the Board to meet or exceed its projected expenditures of \$11.598 million which will eliminate the Board's deficit.

Comments to the Proposed Rulemaking

The Board published a notice of proposed rulemaking at 52 Pa.B. 2588 (April 30, 2022), for 30 days of public comment. The Board did not receive any public comments relating to the proposed rulemaking. The Independent Regulatory Review Commission (IRRC) reviewed the proposed rulemaking and informed the Board that it had no objections, comments, or recommendation to offer on the proposed rulemaking. The Board did not receive any comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of their review of proposed rulemaking under the Regulatory Review Act.

Fiscal Impact and Paperwork Requirements

The amendments increase application and biennial renewal fees on a graduated basis. The applicants, licensees and registrants are required to comply with the regulation. The fees may be paid by applicants, licensees or registrants or may be paid by their employers, should their employers choose to pay these fees. This final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 11,029 applicants are impacted by the increased application fees. Specifically, the number of applicants effected are as follows: 4,000 cosmetologists, 925 nail technicians, 1,350 estheticians, 15 natural hair braiders, 155 cosmetology teachers, 1,325 cosmetology salons, 10 cosmetology schools, 2 nail technician teachers, 8 esthetician teachers, 1 natural hair braider teacher, 140 nail technician salons, 160 esthetician salons, 5 natural hair braider salons, 578 licensures by reciprocity and 20 cosmetology apprentices.

Based on the graduated application fee increases, the total economic impact per fiscal year is as follows:

| | |
|---------------|-----------|
| FY 2022-2023: | \$182,483 |
| FY 2023-2024: | \$182,483 |
| FY 2024-2025: | \$ 23,094 |
| FY 2025-2026: | \$ 23,094 |
| Total: | \$411,154 |

Approximately 125,467 licensees are impacted by the increased biennial renewal fees. Specifically, the number of licensees effected are as follows: 14,809 nail technicians, 8,602 estheticians, 77,854 cosmetologists, 54 natural hair braiders, 7,324 cosmetology teachers, 11,930 cosmetology salons, 158 cosmetology schools, 15 nail technician teachers, 41 esthetician teachers, 3 natural hair braider teachers, 2,306 nail technician salons, 2,359 esthetician salons and 12 natural hair braider salons who possess current licenses and registrations issued by the

Board who are required to pay more to renew their licenses and registrations. Current licensed individuals are affected as follows:

Based on the previous biennial renewal fee increases, the economic impact is as follows:

| | |
|---------------|-------------|
| FY 2022-2023: | \$963,735 |
| FY 2023-2024: | \$918,270 |
| FY 2024-2025: | \$963,735 |
| FY 2025-2026: | \$918,270 |
| Total: | \$3,764,010 |

Thus, the total economic impact to applicants, licensees, registrants or employers, if employers choose to pay application or licensing fees, is \$4,175,164. This amount reflects the economic impact that will occur as a result of the fee increases.

This final-form rulemaking requires the Board to revise its printed and online application forms. The amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 14, 2022, the Board submitted a copy of this proposed rulemaking published at 52 Pa.B. 2588 and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of HPLC and SCP/PLC for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of the comments received during the public comment period, as well as other documents when requested. No public comments were received. The Board also received no comments from the HPLC, SCP/PLC or IRRC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on August 10, 2022, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on September 14, 2022. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 15, 2022, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Valerie Eaton, Board Administrator, Bureau of Professional and Occupational Affairs, State Board of Cosmetology, P.O. Box 2649, Harrisburg, PA 17105-2649, St-COSMETOLOGY@pa.gov.

Findings

The State Board of Cosmetology and the Acting Commissioner find that:

(1) Public notice of intention to adopt a regulation at 49 Pa. Code Chapter 7, was given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 52 Pa.B. 2588.

(4) This final-form rulemaking is necessary and appropriate for the regulation of the practice of cosmetology in this Commonwealth.

Order

The Board therefore orders that:

(A) The regulations of the State Board of Cosmetologists, 49 Pa. Code, Chapter 7, are amended by amending § 7.2 to read as set forth in Annex A.

(B) The Board shall submit a copy of this final-form rulemaking to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(C) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

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

(E) The final-form rulemaking shall take effect immediately upon notice or publication in the *Pennsylvania Bulletin*.

TAMMY O'NEILL,
Chairperson

ARION R. CLAGGETT,
Acting Commissioner

(Editor's Note: See 52 Pa.B. 6282 (October 1, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-4520 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 7. STATE BOARD OF COSMETOLOGY

GENERAL PROVISIONS

§ 7.2. Fees.

(a) An applicant for initial application and registration shall pay the following fees:

| | <i>Effective November 5, 2022</i> | <i>Effective July 1, 2024</i> |
|---|-----------------------------------|-------------------------------|
| Cosmetologist | \$25 | \$26 |
| Nail technician | \$25 | \$26 |
| Esthetician | \$25 | \$26 |
| Natural hair braider | \$25 | \$26 |
| Cosmetology teacher or limited practice teacher | \$25 | \$26 |
| Cosmetology salon or limited practice salon | \$135 | \$142 |
| Cosmetology school license | \$220 | \$231 |
| Licensure by reciprocity | \$85 | \$89 |
| Registration of cosmetology apprentice | \$75 | \$79 |

(b) An applicant for biennial renewal shall pay the following fees:

| | <i>Effective November 5, 2022</i> | <i>Effective July 1, 2024</i> |
|---|-----------------------------------|-------------------------------|
| Nail technician | \$82 | \$97 |
| Esthetician | \$82 | \$97 |
| Cosmetologist | \$82 | \$97 |
| Natural hair braider | \$82 | \$97 |
| Cosmetology teacher or limited practice teacher | \$120 | \$135 |
| Cosmetology salon or limited practice salon | \$129 | \$144 |
| Cosmetology school license | \$300 | \$315 |

(c) An applicant for other miscellaneous applications shall pay the following fees:

| | <i>Effective November 5, 2022</i> | <i>Effective July 1, 2024</i> |
|---|-----------------------------------|-------------------------------|
| Approval of cosmetology school supervisor application | \$31 | \$32 |
| Change in cosmetology salon or limited practice salon (inspection required) | \$100 | \$105 |
| Change in cosmetology salon or limited practice salon (no inspection required) | \$43 | \$45 |
| Change in cosmetology school (inspection required) | \$125 | \$131 |
| Change in cosmetology school (no inspection required) | \$69 | \$72 |
| Reinspection of cosmetology salon or limited practice salon or cosmetology school | \$87 | \$91 |
| Certification of student or apprentice training hours | \$56 | \$58 |
| Verification of license, registration, permit or approval | \$20 | \$21 |

[Pa.B. Doc. No. 22-1688. Filed for public inspection November 4, 2022, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY [49 PA. CODE CH. 33]

Fees

The State Board of Dentistry (Board) amends § 33.3 (relating to fees) and deletes § 33.339 to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The initial increase for application fees will be implemented immediately upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*. Thereafter, the subsequent graduated increases for application fees will be implemented on

a 2-Fiscal-Year (FY) basis. The initial renewal fee increases will be implemented for the April 1, 2023—March 31, 2025, biennial renewal. The second and third renewal fee increases will be implemented for the April 1, 2025—March 31, 2027, and April 1, 2027—March 31, 2029, biennial renewals and thereafter.

Statutory Authority

Section 3(o) of The Dental Law (act) (63 P.S. § 122(o)), authorizes the Board to adopt, promulgate and enforce such rules and regulations as may be deemed necessary by the Board and proper to carry into effect the powers conferred by the act. Section 4(b) of the act (63 P.S. § 123(b)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties imposed under the act are not sufficient to meet expenditures over a 2-year period. Section 4(a) of the act provides that the fee for an applicant for examination and licensure to practice dentistry or as a dental hygienist or certification

for an expanded function dental assistant (EFDA) in this Commonwealth shall be fixed by the Board by regulation. In terms of application fees for licensure and certification by criteria approval, section 3(f) of the act, authorizes fees for applicants who have licenses from other states, territories or Canada. Section 11.2(a)(2), (4) and (6) of the act (63 P.S. § 130c(a)(2), (4) and (6)) requires the Board to establish anesthesia permit fees. Section 11.11(a)(7) of the act (63 P.S. § 130l(a)(7)) gives the Board authority to impose an application fee for a restricted faculty applicant in the same amount as is prescribed by the Board for licensure to practice dentistry.

Under section 3(g.1) of the act, one of the Board's duties is "[t]o receive and record all filings of the names and fictitious names of providers of dental services. . ." Another duty of the Board under section 3(b) of the act, is to ". . .determine the acceptability and to approve and disapprove institutions and colleges of this State and of other states and countries for the education of students desiring. . .to be certified as expanded function dental assistants." Under the authority of sections 3(o) and 4(b) of the act, the Board is increasing the fees for fictitious names for dental facilities and EFDA educational programs.

Regarding biennial renewal fees, section 3(j) of the act empowers the Board "[t]o provide for, regulate, and require biennial renewals of all persons licensed or certified in accordance with provisions of this act. . .[and] to require, as a condition precedent to such biennial renewal, the payment of such biennial renewal fee as shall be fixed by regulation of the board." Additionally, under section 11.11(d) of the act, to renew a restricted faculty license, a licensee must pay a biennial renewal fee in the same amount as the fee prescribed by the Board for renewal of licensure to practice dentistry.

Background and Need for Amendment

This final-form rulemaking increases application fees to reflect updated costs of processing applications and increases all the Board's biennial renewal fees to ensure its revenue meets or exceeds the Board's current and projected expenses. This final-form rulemaking increases the following application fees under § 33.3 on a graduated basis: dentist, dental facility fictitious name, dental hygienist, expanded function dental assistant, anesthesia (unrestricted), anesthesia (restricted I), anesthesia (restricted II), dental hygienist local anesthesia, public health dental hygienist practitioner, expanded function dental assistant education program, restricted faculty license, criteria approval (dentists), criteria approval (dental hygienists) and criteria approval (expanded function dental assistants). Approximately 1,984 applicants will be impacted annually by the increased application fees.

The Board is also implementing graduated biennial renewal fee increases for the following licenses, certificates, registrations and permits under § 33.3: dentist, dental hygienist, EFDA, anesthesia (unrestricted), anesthesia (restricted I), anesthesia (restricted II), dental hygienist local anesthesia, public health dental hygienist practitioner, expanded function dental assistant education program and restricted faculty license. There are approximately 30,917 individuals who possess current licenses, certificates and registrations issued by the Board who will be required to pay more to renew their licenses, certifications, registrations or permits.

Under section 4(b) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the

act provides that the Board shall increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees, fines and civil penalties. The Board receives an annual report from the Department of State's Bureau of Finance and Operations (BFO) regarding the Board's income and expenses.

The BFO data demonstrates that the Board's revenue is insufficient to meet expenditures over a 2-year period resulting in a projected deficit of approximately \$2.6 million by the end of FY 2022-2023—FY 2023-2024, and a projected deficit of approximately \$5.7 million following FY 2024-2025—FY 2025-2026. It is therefore necessary for the Board to raise fees to meet or exceed projected expenditures, in compliance with section 4(b) of the act.

For the Board to meet or exceed projected expenditures with the delayed implementation date, the BFO recommended increased application fees that are reflective of actual costs to process applications in each biennium, and an 18% renewal fee increase for each renewal cycle beginning with the April 1, 2023—March 31, 2025, biennial renewal and continuing through the April 1, 2025—March 31, 2027, biennial renewal period and concluding following the April 1, 2027—March 31, 2029, biennial renewal period. The last time the Board approved a renewal fee increase was in July of 2012, which was effective for the April 2015 renewal period.

In consideration of the comments received in response to the proposed rulemaking regarding the timing of the biennial renewal fee increases, the Board voted to delay the implementation of the biennial fee increase until the April 1, 2023—March 31, 2025, biennial renewal. In March 2022, representatives from the BFO met with the Board and provided summaries of the Board's revenue and expenses through FY 2027-2028. Based upon the financial information that the BFO presented to the Board on March 11, 2022, the Board adopted the new schedule of fees set forth in accompanying Annex A. The increased fees are projected to produce sufficient revenue to meet expenditures, while reducing budget deficits, over 3 biennial renewal periods. In FY 2022-2023 through FY 2023-2024, with the fee increase, the Board's revenue of approximately \$5.1 million will be sufficient to meet its expenditures of approximately \$4.9 million and reduce the deficit. In FY 2024-2025 through FY 2025-2026, the Board's revenue of approximately \$5.93 million will be sufficient to meet its expenditures of approximately \$5.07 million and reduce the deficit. In FY 2026-2027 through FY 2027-2028, the Board's revenue of approximately \$6.9 million will be sufficient to meet its expenditures of approximately \$5.23 million and also eliminate the deficit. By the end of FY 2027-2028, the Board will have a positive balance of \$682,193. Thus, this final-form fee structure will allow the Board to meet expenditures over a 2-year period as required by section 4(b) of the act and will put the Board back on firm financial ground without creating a significant surplus of funds.

Summary and Responses to Comments

Notice of the proposed rulemaking was published at 50 Pa.B. 6356 (November 14, 2020). Publication was followed by a 30-day public comment period during which the Board received four public comments. Two of the public comments were from dentists. The Board also received a comment from the Pennsylvania Dental Association (PDA) and the Pennsylvania Academy of General Dentistry (PAGD). In addition, the Independent Regulatory

Review Commission (IRRC) submitted comments. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC) did not submit comments.

Timing of fee increase

The Board originally planned for this final-form rulemaking to be effective in time for the 2021 biennial renewal period. Two dentists questioned the timing of the fee increase. They commented that the dental community was negatively impacted financially by the novel coronavirus (COVID-19) pandemic, specifically with the costs associated with keeping their practices safe for patients and team members. One dentist pointed out that the dental community was barely starting to bounce back from the ongoing COVID-19 pandemic, indicating that a fee increase for the 2021 renewal period was poorly timed and gave minimal financial notice to the dental community.

PDA commented that while it appreciates the need for the Board to forecast expenditures and budget prudently, PDA urged the Board to reconsider increasing fees at a time when many dentists and their teams were dealing with significant financial hardship due to the COVID-19 pandemic. PDA asked the Board to consider the acute situation that many dentists and their staff were facing by considering the latest data from the American Dental Association's Health Policy Institute (HPI), including, the fact that it took until mid-June of 2020 for patient volume in the majority of dental practices to bounce back to 75% of pre-COVID levels. According to PDA, patient volume in dental practices was estimated at 76% as patients were hesitant to seek medical and dental care until the vaccine was readily available to the public. Additionally, dentists were not able to schedule as many patients as usual due to the current Centers for Disease Control and Prevention guidelines. HPI also found that staffing in dental offices was at 90% of pre-pandemic levels, which left a significant amount of dental team members who were unemployed and would have difficulty in paying higher fees. Finally, HPI data suggested that dental practices were absorbing exorbitant costs for personal protection equipment, a cost PDA anticipated would likely rise as dental suppliers struggle to meet demand. Ultimately, PDA requested that the Board consider the needs of the dental community at this critical juncture and delay implementing fee increases until the dental community recovers from the devastating impact of COVID-19 and resumes practicing at pre-COVID-19 pandemic levels.

PAGD questioned whether implementing fee increases in time for the 2021 biennial renewal period would give licensees sufficient advance notice. PAGD recommended that the Board implement the fee increases for the 2023 biennial renewal period due to the COVID-19 pandemic. PAGD also expressed concern about the impact of fee increases on dental practices that are small businesses. In particular, PAGD was concerned that dental practices that require staff to pay their own licensing fees may find it more difficult to recruit and hire staff if licensing fees are increased. These businesses, however, have the option to pay the licensing fee of staff and to increase the service fees charged to consumers.

IRRC agreed with the commentators' concerns and commented that a fee increase during the height of the COVID-19 pandemic was not reasonable. IRRC commented that the second wave of the COVID-19 pandemic created unprecedented financial and operational challenges for the dental community. IRRC recommended that the Board withdraw the proposed rulemaking and submit

it at a later date to allow additional time for the regulated community to review and comment on the proposal. In the alternative, IRRC asked the Board to explain how the Board would implement this final-form rulemaking if it was not finalized prior to the April 1, 2021, renewal cycle.

In response to the comments relating to the impact of the COVID-19 pandemic on the dental community, the Board reconsidered the implementation date of the fee increase and agreed with IRRC and the commentators that the timing of the fee increase, given the COVID-19 pandemic, could have an unintended negative impact upon the dental community during a time of great uncertainty. Thus, at its January 15, 2021, meeting, the Board voted to delay the implementation of the graduated application fee increases until the date of publication of this final-form rulemaking in the *Pennsylvania Bulletin*, which the Board anticipated would occur in the summer of 2022. The Board also voted to delay the implementation of the biennial renewal increases until the April 1, 2023—March 31, 2025, biennial renewal period, as recommended by PAGD.

In response to IRRC's question as to how the Board would implement the renewal fee if the regulation was not finalized prior to the April 1, 2021, renewal cycle, the Board amended the implementation dates, as noted previously, so that the renewal fee increases will be effective in 2023 instead of 2021. Delaying the implementation dates provided additional time for the dental community to navigate and recover from the impact of the COVID-19 pandemic and provided additional time to implement the biennial renewal fees.

General opposition to the fee increase

The Board received two comments from individual dentists expressing general opposition to the fee increases, asserting that the amount of the increases are excessive and arbitrary. They also questioned the basis of the fee increases, requesting a complete financial report and questioned the 18% increase in biennial renewal fees. PAGD respects the financial pressures that are shouldered by the Board and the deficits that must be addressed but asserted that the increases are excessive and arbitrary and requested greater transparency regarding the basis for the increases. PAGD specifically asked for an explanation for the increased expenses between FYs 2012-2013 and 2018-2019. IRRC reiterated these comments and also asked the Board to address the adverse economic impacts that commentators asserted.

In response to the comments of general opposition to the proposed fee increases, the Board begins by noting that section 4(b) of the act requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties imposed under the act are not sufficient to meet expenditures over a 2-year period. The BFO data demonstrates that the Board's revenue is insufficient to meet expected expenditures over a 2-year period resulting in a projected deficit of approximately \$2.67 million by the end of FY 2022-2023—FY 2023-2024, a projected deficit of approximately \$5.7 million following FY 2024-2025—FY 2025-2026 and a projected deficit of approximately \$6.7 million dollars at the conclusion of FY 2026-2027—FY 2027-2028. Based on this data, the law mandates the Board to increase fees by regulation to meet or exceed projected expenditures. While the Board delayed the implementation of fee increases due to the extreme circumstances surrounding the pandemic, in addition to a concern that there was insufficient time to implement a

fee increase for the April 1, 2021—March 31, 2023, renewal cycle, the Board is not able to make an exception to the law which mandates an increase in fees by regulation when revenue fails to meet expenditures over a 2-year period. The appropriate mechanism for an exception to the law is through the legislature.

Regarding the basis for the fee increases, the majority of the Board's costs are personnel-related, and much of those costs are not within the Board's control. Staff are generally employees of the Commonwealth, most of whom are civil service personnel, and many are union positions. For these employees, the Board is bound by the negotiated contract. Personnel costs associated with investigation and enforcement depend largely on the number of complaints received that need to be investigated and the number of those matters that result in disciplinary action. The Board has no control over the number of complaints that are filed against licensees and unlicensed individuals, nor may they control which matters are or are not prosecuted.

The proposed application fee increases occur on a graduated basis so that the application fees collected during each biennium reflect the anticipated costs of processing applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{array}{r} \text{number of minutes to perform the function} \\ \times \\ \text{pay rate for the classification of the personnel performing} \\ \text{the function} \\ + \\ \text{a proportionate share of administrative overhead} \end{array}$$

The application fees are based on time study reports created within the Bureau of Professional and Occupational Affairs (Bureau) giving each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for 1 year (times two since the increases are biennial). Increases which will be effective immediately and then again on July 1, 2025, and July 1, 2027, are calculated at an approximately 9.5% increase as pay increases for staff that process applications are 2.5% in July and 2.25% in January or 4.75% annually (9.5% biennially) and the fee is almost entirely dependent upon personnel-related costs.

Regarding the basis of the biennial renewal fees for dentists, dental hygienists, EFDAs, anesthesia-unrestricted permits, anesthesia-restricted I permits, anesthesia-restricted II permits, dental hygienist local anesthesia permits, public health dental hygiene practitioners, EFDA education program approval and restricted faculty licenses, the fees will increase on a graduated basis by 18% for each renewal cycle beginning with the April 1, 2023—March 31, 2025, biennial renewal period and continuing through the April 1, 2027—March 31, 2029, biennial renewal period. The Board adopted the 18% graduated increase because, as the calculations show in the answer to Question 10 of the Regulatory Analysis Form, the graduated fees will generate adequate revenue to meet its expenses during each biennium; FY 2022-2023 through FY 2023-2024, FY 2024-2025 through FY 2025-2026, and FY 2026-2027 through FY 2027-2028. By the end of FY 2027-2028, the budget deficit will be eliminated, and the Board will have a positive balance of \$682,193.

On an annual basis, during a public meeting where stakeholders are present, the Board reviews its fiscal

status and receives an annual report from the BFO regarding the Board's income and expenses. A copy of the BFO report is posted to the Board's web site. In response to the request for additional information regarding the Board's financial needs, including the dramatic rise in expenses of major cost centers in the preceding 6 years, specifically in FY 2012-2013, and FY 2018-2019, the Board provided an explanation of page 3 of the BFO report (included as Attachment A) which contains the Board's Expense and Revenue History Comparison for FY 2012-2013 through FY 2020-2021. There was a dramatic increase in expenses between FY 2014-2015 to FY 2015-2016, for legal prosecution. The reason for the dramatic increase in FY 2015-2016, is that the prosecution division began implementing a practice wherein all practice-related complaints would receive expert review. The prosecution division determined that public protection necessitated expert review to secure successful prosecution of licensees who pose a risk to the community. Based on the success of this plan of action, the prosecution division continues to utilize expert review for most practice-related complaints. In addition, prior to FY 2015-2016, expenses for Board Counsel and the Professional Compliance Office (PCO) were included under the Cost Center for Legal Administration. These expenses also include other legal administrative costs, such as renting of office space, phones, legal administrative staff, printing copiers, furniture and the like. In FY 2015-2016, Board Counsel became its own Cost Center and expenses related to PCO went under Legal Prosecution Cost Center. This explains the dramatic decrease in expenses for Legal Administration in FY 2015-2016, and gives further explanation to the dramatic increase in expenses for Legal Prosecution in FY 2015-2016. Additionally, it explains why the Cost Center for Board Counsel shows expenses totaling \$0.00 until FY 2015-2016.

Over the last few fiscal years, the Board has had some sizable increases to expenses for a variety of reasons. One of the largest financial impacts for the Board was the incorporation of The Pennsylvania Justice Network (JNET), due in part to the enactment of the act of February 15, 2018 (P.L. 14, No. 6) (Act 6 of 2018), which requires mandatory self-reporting of criminal convictions. The Board uses JNET to identify criminal convictions of licensees and to verify compliance with Act 6 of 2018's mandatory reporting requirement. Initially, the Board was one of three boards under the Bureau that incorporated JNET criminal notifications into their business processes. Across the three boards, there was a sizable 27.5% average increase in the number of complaints being processed and opened for prosecution. With the additional complaints, increased expenses due to higher prosecutions, investigations, expert witness usage, and hearings resulted. Since incorporation of JNET, expenses have been relatively steady in all of these cost categories. More than likely, this new level of legal workload is one that will be part of the financial picture for the Board going forward.

In addition to the legal increases, all 29 boards and commissions under the Bureau have undergone an information technology transformation upgrade with the incorporation of the Pennsylvania Licensing System (PALS). Expenses associated with PALS, including the initial build as well as ongoing maintenance, are proportionately spread across all entities based on licensee population to effectively share costs per licensee. While the initial build is in the past, it has contributed to higher administrative expenses for all boards and commissions during the last few fiscal years. Due to PALS' high functioning database

with enhanced features over the Department's previous License 2000 platform, maintenance for this system requires a larger financial commitment from all boards and commissions than the previous system.

When considering the proposed fee increase, the Board conducted a comparison of application fees and renewal fees charged by surrounding states. The Board found that even by comparing the highest fee increases, the Commonwealth's application fees and renewal fees are still among the lowest or are in line with fees charged in surrounding states.

The Board is empathetic to all the concerns put forth by commentators, including adverse economic impact during the COVID-19 pandemic. The Board has delayed the implementation of these fee increases to avoid additional adverse fiscal impact to the dental community during the height of the COVID-19 pandemic. The Board, however, is dutybound to ensure that the Board remains fiscally sound so that it may carry out the mandates of the General Assembly set forth in the act in furtherance of public health and safety. Increasing fees is critical to sustain the operations of the Board. The Board is statutorily obligated to increase fees by regulation when revenues raised by fees, fines and civil penalties under the act are insufficient to meet expenditures over a 2-year period. The Board meets this criterion, and thus, is required to increase its fees.

IRRC Additional Comments

IRRC reiterated the concerns of the commentators, including the timing of the proposed rulemaking and the basis for the Board's financial needs. IRRC asked the Board to consider withdrawing the proposed rulemaking and resubmitting it at a later date. As discussed previously, the Board amended the proposed rulemaking and delayed the implementation of the fee increases until 2023. The Board believes that delaying the fee increases has allowed the dental community to recover economically; dental offices are open and patient volume has increased significantly since the proposed rulemaking was published in November of 2020. In March of 2022, HPI released the results of a National study (Economic Outlook and Emerging Issues in Dentistry: *Insights from Data from March 2022*) which showed that dental patient appointment schedules have risen to approximately 88% of full capacity; this represents the highest patient volume levels since the beginning of the COVID-19 pandemic. The most common reason for dental patient schedules not being 100% full was patient cancellations.

IRRC also asked the Board to revise the preamble and the Regulatory Analysis Form to include statutory authority citations for all fees contained in § 33.3. The Board adds the citations in this final-form rulemaking preamble and RAF.

Description of Amendments to this Final-Form Rulemaking

This final-form rulemaking changes the implementation dates of the graduated application fee increases in § 33.3(a) and the graduated renewal fee increases in subsection (b). The application fee increases in subsection (a) are implemented immediately upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*, with subsequent graduated fee increases on July 1, 2025, and July 1, 2027. The biennial renewal fees will increase by 18% on a graduated basis over 3 renewal cycles. The initial fee increases will impact the renewal fees for the April 1, 2023—March 31, 2025, biennial renewal, with the second fee increase occurring for the April 1, 2025—

March 31, 2027, biennial renewal and the third fee increase occurring for the April 1, 2027—March 31, 2029, biennial renewal period. The Board also amends the third graduated biennial renewal increase in subsection (b) by adding "and thereafter." The term "thereafter" is added to clarify that the final fee increase for the 2027—2029 renewal period would remain the fee for all biennial renewal years thereafter, unless or until there is a new fee increase or decrease.

Fiscal Impact

The amendments will increase the application fees and biennial renewal fees for all license, certification and permit types issued by the Board. The Board receives approximately 1,984 applications annually from its various licensee types. There are currently 30,917 licensees and permit holders who will be impacted by the fee increase. Existing licensees will be required to pay 18% higher renewal fees every 2 years beginning in the April 1, 2023—March 31, 2025, biennial renewal period and continuing through the April 1, 2027—March 31, 2029, biennial renewal period.

As set forth as follows, the graduated increase will impact applicants and licensees as follows:

Dentists

The Board receives approximately 465 dentist applications per year. The graduated application fee increases impact applying dentists as follows: FYs 2022-2023, and 2023-2024, the application fee for dentist applicants increases by \$35, followed by an increase of \$25 in FYs 2024-2025, and 2025-2026, and an increase of \$22 in FYs 2026-2027, and 2027-2028.

There are approximately 10,224 dentists who must renew biennially. In FY 2022-2023, dentists will pay an additional \$47 to renew their license, followed by an increase of \$56 to renew their license in FY 2024-2025, and an additional \$66 to renew their license in FY 2026-2027.

Dental facility (fictitious name)

The Board receives approximately 75 dental facility (fictitious name) applications per year. The graduated application fee increases will impact applying dental facilities as follows: FYs 2022-2023, and 2023-2024, the application fee for a dental facility (fictitious name) increases by \$30, followed by an increase of \$6 in FYs 2024-2025, and 2025-2026, and an increase of \$7 in FYs 2026-2027, and 2027-2028.

Dental facilities are not required to renew the fictitious name registration with the Board; therefore, the initial application fee is the only fiscal impact to dental facilities.

Dental hygienist

The Board receives approximately 400 dental hygienist applications per year. The graduated application fee increases will impact applying dental hygienists as follows: FYs 2022-2023, and 2023-2024, the application fee for dental hygienist applicants increases by \$65, followed by an increase of \$14 in FYs 2024-2025, and 2025-2026, and an increase of \$14 in FYs 2026-2027, and 2027-2028.

There are approximately 9,578 dental hygienists who must renew biennially. In FY 2022-2023, dental hygienists will pay an additional \$8 to renew their license, followed by an increase of \$9 to renew their license in FY 2024-2025, and an additional \$11 to renew their license in FY 2026-2027.

EFDA

The Board receives approximately 275 EFDA applications per year. The graduated application fee increases will impact applying EFDAs as follows: FYs 2022-2023, and 2023-2024, the application fee for EFDA applicants increases by \$35, followed by an increase of \$10 in FYs 2024-2025, and 2025-2026, and an increase of \$12 in FYs 2026-2027, and 2027-2028.

There are approximately 2,931 EFDAs who must renew biennially. In FY 2022-2023, EFDAs will pay an additional \$5 to renew their license, followed by an increase of \$6 to renew their license in FY 2024-2025, and an additional \$7 to renew their license in FY 2026-2027.

Anesthesia—unrestricted permit

The Board receives approximately 30 anesthesia unrestricted permit applications per year. The graduated application fee increases will impact applicants applying for an anesthesia—unrestricted permit as follows: FYs 2022-2023, and 2023-2024, the application fee for an anesthesia—unrestricted permit increases by \$50, followed by an increase of \$15 in FYs 2024-2025, and 2025-2026, and an increase of \$15 in FYs 2026-2027, and 2027-2028.

There are approximately 405 anesthesia—unrestricted permit holders who must renew biennially. In FY 2022-2023, anesthesia—unrestricted permit holders will pay an additional \$38 to renew their permit, followed by an increase of \$45 to renew their permit in FY 2024-2025, and an additional \$53 to renew their permit in FY 2026-2027.

Anesthesia—restricted I permit

The Board receives approximately 25 anesthesia—restricted I permit applications per year. The graduated application fee increases will impact applicants applying for an anesthesia—restricted I permit as follows: FYs 2022-2023, and 2023-2024, the application fee for an anesthesia—restricted I permit increases by \$50, followed by an increase of \$15 in FYs 2024-2025, and 2025-2026, and an increase of \$15 in FYs 2026-2027, and 2027-2028.

There are approximately 204 anesthesia—restricted I permit holders who must renew biennially. In FY 2022-2023, anesthesia—restricted I permit holders will pay an additional \$38 to renew their permit, followed by an increase of \$45 to renew their permit in FY 2024-2025, and an additional \$53 to renew their permit in FY 2026-2027.

Anesthesia—restricted II permit

The Board receives approximately 175 anesthesia—restricted II permit applications per year. The graduated application fee increases will impact applicants applying for an anesthesia—restricted II permit as follows: FYs 2023-2023, and 2023-2024, the application fee for an anesthesia—restricted II permit increases by \$50, followed by an increase of \$6 in FYs 2024-2025, and 2025-2026, and an increase of \$7 in FYs 2026-2027, and 2027-2028.

There are approximately 2,467 anesthesia—restricted II permit holders who must renew biennially. In FY 2022-2023, anesthesia—restricted II permit holders will pay an additional \$10 to renew their permit, followed by an increase of \$11 to renew their permit in FY 2024-2025, and an additional \$13 to renew their permit in FY 2026-2027.

Dental hygienist local anesthesia permit

The Board receives approximately 425 dental hygienist local anesthesia permit applications per year. The graduated application fee increases will impact applicants applying for a dental hygienist local anesthesia permit as follows: FYs 2022-2023, and 2023-2024, the application fee for a dental hygienist local anesthesia permit increases by \$30, followed by an increase of \$5 in FYs 2024-2025, and 2025-2026, and an increase of \$5 in FYs 2026-2027, and 2027-2028.

There are approximately 4,150 dental hygienist local anesthesia permit holders who must renew biennially. In FY 2022-2023, dental hygienist local anesthesia permit holders will pay an additional \$8 to renew their permit, followed by an increase of \$9 to renew their permit in FY 2024-2025, and an additional \$11 to renew their permit in FY 2026-2027.

Public health dental hygiene practitioners

The Board receives approximately 95 public health dental hygiene practitioner applications per year. The graduated application fee increases will impact applying public health dental hygiene practitioners as follows: FYs 2022-2023, and 2023-2024, the application fee for a public health dental hygiene practitioner increases by \$60, followed by an increase of \$8 in FYs 2024-2025, and 2025-2026, and an increase of \$7 in FYs 2026-2027, and 2027-2028.

There are approximately 926 public health dental hygiene practitioners who must renew biennially. In FY 2022-2023, public health dental hygiene practitioners will pay an additional \$8 to renew their license, followed by an increase of \$9 to renew their license in FY 2024-2025, and an additional \$11 to renew their license in FY 2026-2027.

EFDA education program

The Board receives approximately two EFDA education program applications per year. The graduated application fee increases will impact applicants for EFDA education programs as follows: FYs 2022-2023, and 2023-2024, the application fee for an EFDA education program increases by \$115, followed by an increase of \$30 in FYs 2024-2025, and 2025-2026, and an increase of \$33 in FYs 2026-2027, and 2027-2028.

There are approximately seven EFDA education programs that must renew biennially. In FY 2022-2023, EFDA education programs will pay an additional \$18 to renew their license, followed by an increase of \$21 to renew their license in FY 2024-2025, and an additional \$25 to renew their license in FY 2026-2027.

Restricted faculty license holders

The Board receives approximately five restricted faculty license applications per year. The graduated application fee increases will impact applicants for a restricted faculty license as follows: FYs 2022-2023, and 2023-2024, the application fee for a restricted faculty license increases by \$35, followed by an increase of \$25 in FYs 2024-2025, and 2025-2026, and an increase of \$22 in FYs 2026-2027, and 2027-2028.

There are approximately 25 restricted faculty license holders who must renew biennially. In FY 2022-2023, restricted faculty license holders will pay an additional \$47 to renew their license, followed by an increase of \$56 to renew their license in FY 2024-2025, and an additional \$66 to renew their license in FY 2026-2027.

Dental license by criteria approval

The Board receives approximately six dental license by criteria approval applications per year. The graduated application fee increases will impact applicants for dental license by criteria approval as follows: In FYs 2022-2023, and 2023-2024, the application fee for a dental license by criteria approval increases by \$35, followed by an increase of \$25 in FYs 2024-2025, and 2025-2026, and an increase of \$22 in FYs 2026-2027, and 2027-2028.

Dental hygienist applications by criteria approval

The Board receives approximately three dental hygienist license by criteria approval applications per year. The graduated application fee increases will impact applicants for dental hygienist license by criteria approval as follows: FYs 2022-2023, and 2023-2024, the application fee for a dental hygienist license by criteria approval increases by \$65, followed by an increase of \$14 in FYs 2024-2025, and 2025-2026, and an increase of \$14 in FYs 2026-2027, and 2027-2028.

EFDA applications by criteria approval

The Board receives approximately three EFDA license by criteria approval applications per year. The graduated application fee increases will impact applicants for EFDA license by criteria approval as follows: FYs 2022-2023, and 2023-2024, the application fee for an EFDA by criteria approval increases by \$65, followed by an increase of \$14 in FYs 2024-2025, and 2025-2026, and an increase of \$14 in FYs 2026-2027, and 2027-2028.

Total economic impact to applicants and licensee/permit holders

Based upon the graduated application fee increases, the total economic impact to all applicants per fiscal year is as follows:

| | |
|---------------|-----------|
| FY 2022-2023: | \$85,105 |
| FY 2023-2024: | \$85,105 |
| FY 2024-2025: | \$25,604 |
| FY 2025-2026: | \$25,604 |
| FY 2026-2027: | \$24,887 |
| FY 2027-2028: | \$24,887 |
| Total: | \$271,192 |

Based upon the biennial renewal fee increases, the economic impact to all licensee/permit holders is as follows:

| | |
|---------------|-------------|
| FY 2022-2023: | \$661,528 |
| FY 2024-2025: | \$778,105 |
| FY 2026-2027: | \$922,668 |
| Total: | \$2,362,301 |

This final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Paperwork Requirements

This final-form rulemaking will require the Board to alter its online application and renewal forms to reflect the new fees; however, the amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

Regulatory Review

Under section 5(a) of the Regulatory Review Act, 71 P.S. § 745.5(a), on October 29, 2020, the Board submitted a notice of proposed rulemaking, published at 50 Pa.B. 6356, to IRRC and the Chairpersons of the HPLC and SCP/PLC for review and comment. Publication was followed by a 30-day public comment period during which the Board received four public comments.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from the IRRC and the public. The HPLC and the SCP/PLC did not submit comments.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on July 7, 2022, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on September 14, 2022, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 15, 2022 and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Christina Townley, Board Administrator, State Board of Dentistry, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-DENTISTRY@pa.gov.

Findings

The State Board of Dentistry finds that:

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

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose for the proposed regulation published at 50 Pa.B. 6356.

(4) These amendments to the regulations of the State Board of Dentistry are necessary and appropriate for the regulation of the practice of dentistry in the Commonwealth.

Order

The Board, acting under its authorizing statute, orders that:

(A) The regulations of the State Board of Dentistry at 49 Pa. Code Chapter 33, are amended by amending § 33.3 and deleting § 33.339 to read as set forth in Annex A.

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

(C) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

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

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

SHAWN M. CASEY, DMD,
Chairperson

(*Editor's Note:* See 52 Pa.B. 6282 (October 1, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-4634 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.3. Fees.

Following is the schedule of fees charged by the Board:

(a) *Application fees*

| | <i>Effective November 5, 2022</i> | <i>Effective July 1, 2025</i> | <i>Effective July 1, 2027</i> |
|---|---------------------------------------|-----------------------------------|-----------------------------------|
| Dentist | \$235 | \$260 | \$282 |
| Dental facility fictitious name | \$65 | \$71 | \$78 |
| Dental hygienist | \$140 | \$154 | \$168 |
| Expanded function dental assistant | \$110 | \$120 | \$132 |
| Anesthesia—unrestricted | \$150 | \$165 | \$180 |
| Anesthesia—restricted I | \$150 | \$165 | \$180 |
| Anesthesia—restricted II | \$65 | \$71 | \$78 |
| Dental hygienist local anesthesia | \$50 | \$55 | \$60 |
| Public health dental hygienist practitioner | \$80 | \$88 | \$95 |
| Expanded function dental assistant education program | \$315 | \$345 | \$378 |
| Restricted faculty license | \$235 | \$260 | \$282 |
| Criteria approval—dentists | \$235 | \$260 | \$282 |
| Criteria approval—dental hygienists | \$140 | \$154 | \$168 |
| Criteria approval—expanded function dental assistants | \$140 | \$154 | \$168 |

(b) *Biennial renewal fees*

Following is the schedule of biennial renewal fees charged by the Board:

| | <i>April 1, 2023— March 31, 2025 biennial renewal</i> | <i>April 1, 2025— March 31, 2027 biennial renewal</i> | <i>April 1, 2027— March 31, 2029 biennial renewal and thereafter</i> |
|--|---|---|--|
| Dentist | \$310 | \$366 | \$432 |
| Dental Hygienist | \$50 | \$59 | \$70 |
| Expanded Function Dental Assistant | \$31 | \$37 | \$44 |
| Anesthesia—unrestricted | \$248 | \$293 | \$346 |
| Anesthesia—restricted I | \$248 | \$293 | \$346 |
| Anesthesia—restricted II | \$63 | \$74 | \$87 |
| Dental hygienist local anesthesia | \$50 | \$59 | \$70 |
| Public health dental hygienist practitioner | \$50 | \$59 | \$70 |
| Expanded Function Dental Assistant Education Program | \$118 | \$139 | \$164 |
| Restricted faculty license | \$310 | \$366 | \$432 |

(c) *Miscellaneous fees*

Verification of license, permit or registration fee—dentists, dental hygienists and expanded function dental assistants..... \$15

Subchapter E. ADMINISTRATION OF GENERAL ANESTHESIA, DEEP SEDATION,
CONSCIOUS SEDATION AND NITROUS OXIDE/OXYGEN ANALGESIA

§ 33.339. [Reserved].

[Pa.B. Doc. No. 22-1689. Filed for public inspection November 4, 2022, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Definitions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 24, 2022, meeting amends § 131.2 (relating to definitions) to permit muzzleloading firearms that allow a cartridge of loose or pelletized black powder or black powder substitute to be loaded from the breech, while the projectile remains loaded from the muzzle to be used as a muzzleloading firearm.

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

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

Notice of proposed rulemaking was published at 52 Pa.B. 5653 (September 3, 2022).

1. Purpose and Authority

As the nature of its name implies, a muzzleloading firearm is by definition “a firearm designed” to have its loose ammunition components “loaded . . . from the muzzle. . . .” In this instance, the ammunition components refer to the combination of the loose or pelletized black powder or black powder substitute and the projectile or projectiles. Recent developments in the firearms industry have generated muzzleloading firearms that can accommodate the loading of a captured powder charge similar to a cartridge, casing or shell that is loaded from the breech, with the projectile or projectiles remaining to be loaded from the muzzle. Current regulations specifically prohibit muzzleloaders that accept cartridge ammunition. However, this restriction was originally intended to restrict modern firearms that are loaded by a cartridge or casing that contains both the powder and the projectile. The Commission does not intend or desire for this restriction to apply to the previously-described muzzleloaders. The Commission amends § 131.2 to permit muzzleloading firearms that allow a cartridge of loose or pelletized black powder or black powder substitute to be loaded from the breech, while the projectile remains loaded from the muzzle to be used as a muzzleloading firearm.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “. . . promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 131.2 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 131.2 to permit muzzleloading firearms that allow a cartridge of loose or pelletized black powder or black powder substitute to be

loaded from the breech, while the projectile remains loaded from the muzzle, to be used as a muzzleloading firearm.

3. Persons Affected

Persons who utilize muzzleloaders that utilize a charge cartridge, casing or shell that is loaded from the breech and the projectile or projectiles remaining to be loaded from the muzzle within this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 131, are amended by amending § 131.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-484 remains valid for the final adoption of the subject regulation.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Muzzleloading firearm—

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm's barrel.

(ii) The term includes full or partial breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm.

(iii) The term does not authorize a firearm that accepts cartridge ammunition that contains both the projectile and propellant charge.

* * * * *

[Pa.B. Doc. No. 22-1690. Filed for public inspection November 4, 2022, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 135]

Preliminary Provisions; Definitions; Lands and Buildings; Shooting Ranges

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 24, 2022, meeting amends §§ 131.2 and 135.181 (relating to definitions; and rifle and handgun ranges) and deletes § 135.182 to eliminate the outdated and unnecessary text unique to State Game Lands No. 176 (SGL 176) and replaces it with new Statewide shotgun range regulations for both clay bird ranges and shotgun patterning ranges in § 135.182a (relating to shotgun ranges).

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

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

Notice of proposed rulemaking was published at 52 Pa.B. 5653 (September 3, 2022).

1. Purpose and Authority

The Commission manages the use and operation of the shooting ranges located on SGL 176, in part, under the provisions of § 135.182. The Commission manages the use and operation of the remainder of its 33 shooting ranges located on State game lands across this Commonwealth under the various provisions of § 135.181. The Commission reviewed this split regulatory structure and determined that the days and hours of operation and range reservation periods unique to the shooting ranges at SGL 176 are no longer necessary.

The deletion of the text in § 135.182 that is unique to SGL 176 will revert the management of the use and operation of the shooting ranges at this location entirely to the general provisions of § 135.181 which have State-wide application. This will result in a number of changes that are largely beneficial to users of the SGL 176 shooting ranges. As it relates to the deletion of paragraph (1), users will see an expansion in open shooting days to now include Mondays and Tuesdays but will also see hours of operation on Sundays restricted to 12 p.m. to sunset, except those specifically designated as being open from 8 a.m. to sunset. While certainly a change to the regulatory text, the Commission does not believe that a change will be observed by users of the shooting ranges at SGL 176, as the Commission itself has not followed these unique days and hours of operation language for approximately 8 years. As it relates to the deletion of paragraph (2), users will see the calendar window of opportunity for groups or organizations to reserve a range reduced from year-round to January 1 through October 1.

In replacement of the previously addressed deletion of text, the Commission adds § 135.182a to insert new shotgun range regulations that will be specific to the unique needs of these types of ranges not properly addressed by other existing regulations. The Commission currently only has a few ranges designated specifically as shotgun ranges. However, the Commission intends to establish more ranges soon as a result of their increasing popularity and use. The new regulation sets forth the types of firearms, ammunition and targets that may be used on shotgun ranges. The new regulation also establishes the standards for use of these shotgun ranges to help ensure that users of the ranges, as well as other persons and property in the vicinity of these ranges, are protected from harm or injury. These changes will also protect the significant investment the Commission has put into constructing the current and future facilities. The Commission amends §§ 131.2 and 135.181 and deletes § 135.182 to eliminate the outdated and unnecessary text unique to SGL 176 and replaces it with § 135.182a regarding new Statewide shotgun range regulations for both clay bird ranges and shotgun patterning ranges.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters." The amendments to §§ 131.2 and 135.181, deletion of § 135.182 and addition of § 135.182a are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 131.2 and 135.181 and deletes § 135.182 to eliminate the outdated and unnecessary text unique to SGL 176 and replaces it by adding § 135.182a regarding new Statewide shotgun range regulations for both clay bird ranges and shotgun patterning ranges.

3. Persons Affected

Persons who utilize the shooting ranges located on SGL 176 will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 131 and 135, are amended by amending §§ 131.2 and 135.181, adding § 135.182a and deleting § 135.182 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-485 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Broadhead—A fixed or mechanical tip affixed to the fore end of an arrow or bolt having sharpened cutting edges consisting of metal or naturally occurring stone.

Clay bird range—An area where saucer-shaped targets, usually made of baked clay or limestone, are launched and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

Closed season—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

* * * * *

Game Commission officer—A wildlife conservation officer.

Handgun range—An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a handgun that discharges single projectile ammunition.

Import—To bring or have transported into this Commonwealth.

* * * * *

Meat or animal products—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representation or facsimiles.

Multiple projectile ammunition—Cartridge or shell ammunition that is loaded with shot pellets or multiple loose projectiles designed to spread or scatter upon discharge from a firearm.

Muzzleloading firearm—

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm's barrel.

* * * * *

Regular small game hunting season—The designated period of time when resident small game species may be hunted and taken.

Rifle range—An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a firearm that discharges single projectile ammunition.

Shotgun patterning range—An area where paper targets are placed on or affixed to a stationary backer and targeted by a shooter using a firearm that discharges multiple projectile ammunition.

Shotgun range—A firearms range designated by the Commission as a clay bird range or shotgun patterning range.

Single projectile ammunition—A cartridge or shell ammunition that is loaded with a single projectile designed to remain intact upon discharge from a firearm.

Special firearms deer season—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

* * * * *

CHAPTER 135. LANDS AND BUILDINGS

Subchapter J. Shooting Ranges

§ 135.181. Rifle and handgun ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions), the following pertain to lands under Commission ownership, lease or jurisdiction designated as rifle or handgun ranges:

* * * * *

§ 135.182. [Reserved].

§ 135.182a. Shotgun ranges.

(a) *Shotgun ranges.* In addition to § 135.2 (relating to unlawful actions) the following pertain to lands under Commission ownership, lease or jurisdiction designated as shotgun ranges:

(1) Shotgun ranges are open for use from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 p.m. to sunset Sunday, unless posted otherwise by the Commission.

(2) A person using a shotgun range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter, except in approved refuse containers. Range users shall remove all targets from range backboards, if applicable, and collect used cartridge casings or shotshell hulls when their shooting is completed and prior to leaving the range.

(3) The Commission is not responsible for anyone injured on a shotgun range. An individual using a shotgun range does so at their own risk and assumes all responsibility for injuries to a person or property caused by or to them.

(4) When more than one person is using a shotgun range, a range officer shall be designated.

(5) A person under 16 years of age may not use a shotgun range unless they are properly accompanied and supervised by a person 18 years of age or older.

(6) The Commission or any designated local representative may close a shotgun range by posting appropriate signs to that effect. A person may not use a shotgun range during a period when the range is designated as closed.

(b) *Prohibited acts.* At a shotgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Discharge a firearm from any location other than an established shooting station or shooting location on the designated firing line.

(2) Discharge a firearm on a shotgun patterning range at any target other than a paper target placed on a stationary target backboard mounted by the Commission.

(3) Discharge armor piercing, incendiary, explosive, tracer or single projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance.

(5) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than three rounds of multiple projectile ammunition.

(7) Target or shoot at clay birds anywhere on the range except areas designated by the director by signs stating that clay bird shooting is permitted.

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(9) Operate, manipulate or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This prohibition is specifically intended to include loading a firearm, operating or manipulating a loaded firearm, or discharging a firearm anywhere on a shotgun range while another person is downrange of the firing line.

(10) Use or discharge any single projectile ammunition.

(11) Use or discharge multiple projectile ammunition on a clay bird range that is larger than # 4 lead, # 2 steel or # 4 of any other composition or alloys of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings).

(12) Throw, target or shoot clay birds on a clay bird range that are composed of any substance other than baked clay, limestone or other biodegradable material.

(13) Throw clay birds on a clay bird range from any location other than the designated firing line.

(14) Use the range in violation of any other requirement of this section or posted signage.

[Pa.B. Doc. No. 22-1691. Filed for public inspection November 4, 2022, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

Child Abuse Reporting Requirements

The State Board of Chiropractic (Board) proposes to amend §§ 5.1, 5.12, 5.13, 5.17, 5.20 and 5.91—5.96, and add §§ 5.97 and 5.98 (relating to child abuse recognition and reporting—mandatory training requirement; and child abuse recognition and reporting course approval process) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon notice or final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 302(3) of the Chiropractic Practice Act (63 P.S. § 625.302(3)) sets forth the Board's general rulemaking authority. Under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), specifically, section 6383(b)(2) of the CPSL (relating to education and training), the Board is required to promulgate regulations to implement the mandatory reporting requirements for licensees of the Board.

Background and Purpose

Since 2014, the General Assembly has made numerous amendments to the CPSL, including the requirement imposed by the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on all health-related Boards to require training in child abuse recognition and reporting for licensees who are considered "mandated reporters" under the CPSL. Section 2 of Act 31 provided that these training requirements would apply to persons applying for a license, or applying for renewal of a license, on or after January 1, 2015, and were implemented as of that date. These amendments are required to update the Board's existing regulations on the subject of child abuse reporting to comport to the numerous amendments made to the CPSL, and to incorporate the mandatory training requirements required by Act 31.

Description of the Proposed Amendments

The Board proposes to amend § 5.1 (relating to definitions) to update the definitions of terms used in the CPSL. Specifically, the Board finds it necessary to define the terms "bodily injury," "child," "parent," "program, activity or service" and "serious physical neglect" and to amend the definitions of "child abuse," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions" and "sexual abuse or exploitation" to comport with amendments made to the CPSL. The Board has also added a definition for the term "mandated reporter" for ease of reference. The Board proposes to delete definitions for "individual residing in the same home as the child" and "serious physical injury" because these terms have been deleted from the CPSL. The Board also proposes to amend, where necessary throughout the proposal, the name of the Department of Public Welfare, as the name of that agency has changed to the Department of Human Services.

The Board next proposes amendments to Subchapter B (relating to licensure, certification, examination and registration provisions). First, §§ 5.12 and 5.13 (relating to licensure by examination; and licensure by reciprocity)

would be amended to incorporate the requirement that applicants for licensure complete at least 3 hours of approved training in child abuse recognition and reporting as required under section 6383(b)(3)(i) of the CPSL. Similarly, § 5.17 (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record) would be amended to incorporate the requirement that licensees complete at least 2 hours of approved courses in child abuse recognition and reporting as a condition of renewal/reactivation as required under section 6383(b)(3)(ii) of the CPSL. The Board also proposes amendments to § 5.20 (relating to volunteer license) to make it clear that these mandatory training requirements also apply to volunteer license holders.

The Board next proposes comprehensive amendments to the child abuse reporting requirements in Subchapter I (relating to child abuse reporting requirements). The Board is proposing to amend § 5.91 (relating to suspected child abuse—mandated reporting requirements) to provide the general rule that all licensed chiropractors are considered mandated reporters, and to update the mandated reporting requirements and reporting procedures as set forth in sections 6311 and 6313 of the CPSL (relating to persons required to report suspected child abuse; and reporting procedure), as amended. The Department of Human Services has implemented an electronic reporting process for mandated reporters, and the Board finds it necessary to propose amendments to § 5.92 (relating to photographs, medical tests and X-rays of child subject to report) to set forth the requirement to submit documentation relating to photographs, medical tests and X-rays to the county children and youth social service agency within 48 hours of making an electronic report in accordance with section 6314 of the CPSL (relating to photographs, medical tests and X-rays of child subject to report), and to include the requirement that medical summaries or reports of the photographs, X-rays and relevant medical tests be made available to law enforcement officials in the course of investigating cases under section 6340(a)(9) or (10) of the CPSL (relating to release of information in confidential reports).

The Board is proposing to amend § 5.93 (relating to suspected death as a result of child abuse—mandated reporting requirement) to incorporate an amendment made to section 6317 of the CPSL to permit such a report to be made to the medical examiner of the county where the death occurred, or of the county where the injuries were sustained. Further, the Board is proposing to amend and restructure § 5.94 (relating to immunity from liability) to incorporate amendments made to section 6318 of the CPSL (relating to immunity to liability) in subsection (a) and to clarify in subsection (b) that the Board will uphold the same good faith presumption in any disciplinary proceedings that may be brought for violations of the duties imposed upon licensees that are set forth in §§ 5.91—5.93. The Board also proposes to amend § 5.95 (relating to confidentiality—waived) to incorporate the provisions of section 6311.1 of the CPSL (relating to privileged communications). Likewise, the Board proposes to amend § 5.96 (relating to noncompliance) to update the criminal penalties for failure to make a report or referral required by the CPSL, which have been increased in recent years from a summary offense for a first violation and a misdemeanor for a second or subsequent

violation to a misdemeanor of the second degree for most offenses, except under certain enumerated circumstances where the offense is graded as a felony.

The Board proposes to add two sections to Subchapter I to incorporate the mandatory training requirements set forth in section 6383(b)(3)(i) and (ii) of the CPSL. Section 5.97 would set forth the requirements that all individuals applying to the Board for an initial license are required to complete at least 3 hours of approved training in child abuse recognition and reporting in subsection (a); and that all licensees seeking renewal are required to complete at least 2 hours of approved continuing education in child abuse recognition and reporting as a requirement of renewal in subsection (b). The Board would also provide notice that these 2 hours of training would be accepted as a portion of the total continuing education required for biennial renewal, and not an additional requirement, as provided in section 6383(b)(3)(ii) of the CPSL. The Board is also clarifying that a license will not be issued or renewed unless the Bureau has received an electronic report from an approved provider documenting the attendance/participation of the applicant/licensee. The proposal would also clarify that for purposes of renewal, the course must be completed within the applicable biennial renewal period, and that if a licensee also holds a license from another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

Subsection (c) would include the process for applying for an exemption from the mandatory training requirements as set forth in section 6383(b)(4) and (6) of the CPSL, for individuals who have already completed similar training or who otherwise should be exempt from the training requirements. Specifically, paragraph (1) provides an exemption for individuals who have already completed similar training required under section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6). Paragraph (2) provides an exemption for individuals who have completed comparable training under section 6383(c) of the CPSL. The Board notes that section 6383(b)(4)(ii)(B) of the CPSL provides an exemption for individuals who have already completed child abuse recognition training required by the Public Welfare Code (now known as the Human Services Code), and the training was approved by the Department of Human Services. However, the Department of Human Services has confirmed that there is no provision in the Human Services Code that requires such training. Instead, section 6383(c) of the CPSL (which is in the Domestic Relations Code) sets forth the requirement that certain individuals and entities regulated by the Department of Human Services complete mandated reporter training. Therefore, the Board believes it is appropriate to include an exemption for a licensee who has already completed comparable training in child abuse recognition and reporting required by the Department of Human Services under section 6383(c). For example, if a chiropractor happened to be a foster parent and, therefore, was required to complete the training under section 6383(c), there would be no need to repeat the training as a condition of licensure or license renewal under section 6383(b). In addition, section 6383(b)(6) permits the Board to exempt a licensee from the training requirement if the licensee "submits documentation acceptable to the licensing board that the licensee should not be subject to the training or continuing education requirement." The Board believes that this section also provides authority to the Board to determine that those licensees who are required

to complete comparable training under section 6383(c) should be exempt from the training requirement under section 6383(b), provided they submit acceptable documentation to the Board evidencing completion of comparable training. Finally, paragraph (3) would further implement section 6383(b)(6) of the CPSL by providing an exemption for an individual who submits documentation acceptable to the Board demonstrating why they should not be subject to the training or continuing education requirement. The Board also proposes to clarify the standards for granting an exemption under paragraph (3) by explaining that the Board will not grant an exemption based solely upon proof that children are not a part of the applicant's or licensee's practice and that each request for an exemption will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

The Board also proposes adding subsection (d) clarifying that exemptions which are granted are applicable only to the biennial renewal period in which the exemption is requested. This subsection will also clarify the process for notifying an applicant or licensee of the Board's decision to grant or deny the exemption.

Finally, the Board proposes to add § 5.98 to set forth the administrative process developed by the Bureau of Professional and Occupational Affairs (Bureau), in conjunction with the Department of Human Services (DHS), for individuals, entities and organizations to apply for approval to deliver the training required under 6383(b)(3) of the CPSL. Subsection (a) requires an individual, entity or organization to apply simultaneously to DHS and the Bureau. Subsection (b) sets forth the required course materials to be submitted. In addition to the materials that are required to be submitted relating to the training itself for review by DHS, the Bureau has established a requirement that to be approved to provide the mandatory training in child abuse recognition and reporting, an individual, entity or organization must be able to report participation or attendance electronically to the Bureau. In this manner, the completion of the training is automatically imported into the individual's record with the Board at the time the course is completed. Then, at the time of application or renewal, the system verifies that the training was completed as required prior to issuing or renewing the license or certificate. Thus, the Board will not issue or renew a license unless an electronic report has been received from an approved course provider or the licensee has received an exemption from the mandatory training requirement. Finally, subsection (c) clarifies that the Bureau will notify the individual, entity or organization in writing upon approval of the course and will post a list of approved courses on the Bureau's and the Board's web site.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Because licensees are already required to complete mandatory continuing education, and these 2 hours in child abuse recognition and reporting are incorporated in the existing requirement, there would be no increased burden. Only applicants for licensure would incur an additional requirement, and as there are many low-cost and free options available to complete the training, the Board anticipates this impact to also be minimal. Because all approved training providers of the mandatory training in child abuse recognition and reporting are

required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees. In addition, the implementation of an electronic reporting system for mandated reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 26, 2022, the Board submitted a copy of this proposed rulemaking and a copy of a regulatory analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) that have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to the Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail to RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be identified as pertaining to rulemaking 16A-4322 (Child Abuse Reporting Requirements).

MICHAEL SWANK, DC,
Board Chairperson

Fiscal Note: 16A-4322. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter A. GENERAL PROVISIONS

§ 5.1 Definitions.

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

Act—The Chiropractic Practice Act (63 P.S. §§ 625.101—625.1106).

Approved chiropractic college—A chiropractic college approved in accordance with section 303 of the act (63 P.S. § 625.303).

Board—The State Board of Chiropractic of the Commonwealth.

Bodily injury—Impairment of physical condition or substantial pain.

Bureau—The Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth.

Child—An individual under 18 years of age.

Child abuse—[A term meaning any of the following:

(i) **A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.**

(ii) **An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.**

(iii) **A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.**

(iv) **Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.]**

Intentionally, knowingly or recklessly doing any of the following:

(i) **Causing bodily injury to a child through any recent act or failure to act.**

(ii) **Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.**

(iii) **Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of these acts or failures to act.**

(iv) **Causing sexual abuse or exploitation of a child through any act or failure to act.**

(v) **Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.**

(vi) **Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.**

(vii) **Causing serious physical neglect of a child.**

(viii) **Engaging in any of the following recent acts:**

(A) **Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.**

(B) **Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.**

(C) **Forcefully shaking a child under 1 year of age.**

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(II) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(III) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(IV) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

ChildLine—An organizational unit of the Department of [**Public Welfare**] **Human Services**, which operates a 24-hour a day Statewide [**toll free**] **toll-free** telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Chiropractic specialty—A specialized area of chiropractic in which a licensee has achieved certification or diplomate status through a program approved by an approved chiropractic college that has established valid standards acceptable to the Board for the achievement of certification or diplomate status.

[Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.]

Licensee—An individual holding an unrestricted license to practice chiropractic granted by the Board in accordance with the act and this chapter.

Mandated reporter—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes all licensed chiropractors.

NBCE—The National Board of Chiropractic Examiners.

National Board of Examination—An examination developed, prepared, administered and graded by the NBCE.

Parent—A biological parent, adoptive parent or legal guardian.

Perpetrator—[A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.] A person who has committed child abuse as defined in this section. The following apply:

(i) This term includes only the following:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related, within the third degree of consanguinity or affinity by birth or adoption, to the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person responsible for the child's welfare who is 18 years of age or older.

(E) A person 18 years of age or older who resides in the same home as the child.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. [The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.]

Program, activity or service—Any of the following in which children participate and which is sponsored by a school or a public or private organization:

(i) A youth camp or program.

(ii) A recreational camp or program.

(iii) A sports or athletic program.

(iv) A community or social outreach program.

- (v) An enrichment or educational program.
- (vi) A troop, club or similar organization.

Recent [acts or omissions—Acts or omissions] act or failure to act—An act or failure to act committed within 2 years of the date of the report to the Department of [Public Welfare] Human Services or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

[Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.]

Serious physical neglect—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation—[The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.] Any of the following:

- (i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:
 - (A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - (B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - (C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

- (A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
- (B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS
§ 5.12. Licensure by examination.

* * * * *

(c) The applicant shall provide proof that the applicant has obtained professional liability insurance in accordance with § 5.41 (relating to certification of professional liability insurance). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice chiropractic in this Commonwealth. Upon issuance of the license, the licensee has 30 days to submit to the Board the certificate of insurance or a copy of the policy declaration page as described in § 5.41. The effective date of this subsection is September 1, 1988.

(d) The applicant shall submit, or cause to be submitted, evidence of having completed at least 3

hours of approved training in child abuse recognition and reporting in accordance with § 5.97(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 5.13. Licensure by reciprocity.

* * * * *

(d) The applicant shall provide proof that the applicant has obtained professional liability insurance in accordance with § 5.41 (relating to certification of professional liability insurance). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice chiropractic in this Commonwealth. Upon issuance of the license, the licensee has 30 days to submit to the Board the certificate of insurance or copy of the policy declaration page as described in § 5.41. The effective date of this subsection is September 1, 1988.

(d.1) The applicant shall submit, or cause to be submitted, evidence that the applicant has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 5.97(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(e) The Board may deny an application for licensure by reciprocity as provided in section 506(a) of the act (63 P.S. § 625.506(a)).

§ 5.17. Biennial registration; unregistered status and inactive status; failure to renew; address of record.

* * * * *

(f) An application for biennial registration shall contain the following information in the manner indicated on the application form:

* * * * *

(3) Proof of attendance at continuing education courses during the previous biennial registration period as required by section 507 of the act (63 P.S. § 625.507) and § 5.14 (relating to certification to use adjunctive procedures), if proof was not filed by the expiration of that biennial registration period.

(4) Verification that the applicant has completed at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 5.97(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(g) A licensee failing to file biennial registration application or pay the required registration fee by the registration date will have the license classified as unregistered. As long as a licensee holds an unregistered license, the licensee is not permitted to practice in this Commonwealth. A licensee who does so when the license was unregistered will be required to pay a penalty fee of \$5 for each month or part of a month since the expiration of the biennial registration and may be subject to disciplinary proceedings before the Board or criminal prosecution, or both.

* * * * *

(j) To renew an inactive or unregistered license, a licensee shall file an application for biennial registration, pay the current and back registration and penalty fees which are due, submit a notarized affidavit setting forth the time in which the licensee did not practice in this

Commonwealth, submit a resumé of activities since the license was last registered, submit a letter of good standing from another state where the licensee has been practicing and submit evidence of compliance with continuing education, **including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 5.97(b)**, and professional liability insurance requirements in accordance with the act and this chapter.

* * * * *

§ 5.20. Volunteer license.

* * * * *

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide, **or cause to be provided:**

* * * * *

(2) A letter signed by the director or chief operating officer of an approved clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(3) Verification that the applicant has completed at least 3 hours of mandatory training in child abuse recognition and reporting in accordance with § 5.97(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(d) *Validity of license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of the change, or at the time of renewal, whichever occurs first.

(e) *Biennial renewal.* A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as a holder of an active, unrestricted license, **including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 5.97(b).**

(2) The applicant shall be exempt from § 5.6 (relating to fees) pertaining to the biennial renewal fee and shall be exempt from section 508 of the Chiropractic Practice Act (63 P.S. § 625.508) with regard to the maintenance of liability insurance coverage under section 701 of the Health Care Services Malpractice Act (40 P.S. § 1301-701).

* * * * *

Subchapter I. CHILD ABUSE REPORTING REQUIREMENTS

§ 5.91. Suspected child abuse—mandated reporting requirements.

(a) *General rule.*

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), **licensed** chiropractors [**who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare and to the appropriate county agency when they have reasonable cause to suspect on the basis of their professional or other training or experi-**

ence, that a child coming before them in their professional or official capacity is a victim of child abuse] are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to take steps to identify the person responsible for the child abuse, if unknown, in order for the mandated reporter to make a report of suspected child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* [Chiropractors who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the Board regulated practitioner, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d)] Whenever a licensed chiropractor is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that chiropractor shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.* [Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter).]

A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(1) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this paragraph may be submitted electronically.

(2) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at www.compass.state.pa.us/cwis. A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) *Written or electronic reports.* [Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available] A written or electronic report of suspected child abuse, shall include the following information, if known:

(1) The names and addresses of the child [and], the child's parents [or] and any other person responsible for the [care of the child, if known] child's welfare.

(2) Where the suspected child abuse occurred.

(3) The age and sex of [the subjects] each subject of the report.

(4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or [siblings] any sibling of the child.

(5) The name and relationship of [the persons] each individual responsible for causing the suspected abuse [, if known,] and any evidence of prior abuse by [those persons] each individual.

(6) Family composition.

(7) The source of the report.

(8) The name, telephone number and e-mail address of the person making the report [and where that person can be reached].

(9) The actions taken by the [reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the

medical examiner or coroner] person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(10) Other information which the Department of [**Public Welfare**] **Human Services** may require by regulation.

(11) Other information required by Federal law or regulation.

§ 5.92. Photographs, medical tests and X-rays of child subject to report.

A chiropractor required to report suspected child abuse may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 5.91(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6340(a)(9) or (10) (relating to release of information in confidential reports).

§ 5.93. Suspected death as a result of child abuse—mandated reporting requirement.

A chiropractor who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

§ 5.94. Immunity from liability.

(a) Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a chiropractor who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or [the taking of photographs] engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might result by reason of the chiropractor's actions. For the purpose of any civil or criminal proceeding, the good faith of the chiropractor shall be presumed.

(b) The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a chiropractor's actions [in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs] under §§ 5.91—5.93 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests

and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

§ 5.95. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 5.91—5.94 take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse.

§ 5.96. Noncompliance.

(a) *Disciplinary action.* A chiropractor who willfully fails to comply with the reporting requirements in §§ 5.91—5.93 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 506(a)(9) and (13) of the act (63 P.S. § 625.506(a)(9) and (13)).

(b) *Criminal penalties.* [Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a chiropractor who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.] Under 23 Pa.C.S. § 6319 (relating to penalties), a chiropractor who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities, and who willfully fails to do so, commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report an individual suspected of child abuse continues while the mandated reporter knows or has reasonable cause to suspect that a child is being subjected to child abuse by the same individual or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of

the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

(*Editor's Note:* Sections 5.97 and 5.98 are proposed to be added and are printed in regular type to enhance readability.)

§ 5.97. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for an initial license shall complete at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 5.98 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 5.98. The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee also holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(2) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. The Board will not grant an exemption based solely upon proof that children are not a part of the applicant's or licensee's practice. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license, as applicable. If an exemption is denied, the Board will e-mail the applicant or licensee a discrepancy notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

§ 5.98. Child abuse recognition and reporting course approval process.

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families, and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120; or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or electronically at RA-stcpsl_course_app@pa.gov.

(b) Submissions shall include all of the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) Course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript or recording of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which shall include all of the following:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

(v) Name and signature of the authorized representative of the provider. The signature may be an electronic signature.

(vi) Statement affirming the participant attended the entire course.

(13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.

(c) The Bureau will notify the individual, entity or organization in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

[Pa.B. Doc. No. 22-1692. Filed for public inspection November 4, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 135]

Preliminary Provisions; Definitions; Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 24, 2022, meeting to amend §§ 131.2 and 135.41 (relating to definitions; and State game lands) to restrict the operation of boats propelled by electric motors on waterways owned or controlled by the Commission to slow, no-wake speed.

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

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

This proposed rulemaking was made public at the September 24, 2022, meeting of the Commission. Comments can be sent until January 28, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

With the advancements being made in the use of electric marine motors and the batteries that they use, it is time to revisit the Commission's regulations relating to their use on waterways owned or controlled by the

Commission. Today's electric motors are more powerful than the electric motors that existed when the regulations were created. The Commission's applicable regulations were created with the intent to allow boaters to safely use our waterways with little conflict with other users and to limit the noise and the impact of gasoline motors have on the environment through gasoline spills and erosion issues. New electric motors are now offered in higher horsepower (HP) sizes than has historically been available with older, more traditional electric trolling motors. Current costs of the newer electric motors are high. (Example: 50 HP electric outboard motor is currently around \$8,500, plus a matching deep cycle battery costs of around \$5,000.) While the new technology costs are usually high, those costs are expected to come down and their use and availability more prolific. In an effort to be proactive, the Commission is proposing to amend §§ 131.2 and 135.41 to restrict the operation of boats propelled by electric motors on waterways owned or controlled by the Commission to slow, no-wake speed. The Fish and Boat Commission has recently proposed similar changes to their regulations on electric motors by limiting the operation of electric motors to slow, no-wake speeds.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters." The amendments to §§ 131.2 and 135.41 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2 and 135.41 to restrict the operation of boats propelled by electric motors on waterways owned or controlled by the Commission to slow, no-wake speed.

3. Persons Affected

Persons wishing to use boats propelled by electric motors on waterways owned or controlled by the Commission will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-490. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and

terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Regular small game hunting season—The designated period of time when resident small game species may be hunted and taken.

Slow, no wake speed—The slowest possible speed of a motorboat required to maintain maneuverability so that the wake or wash created by the motorboat on the surface of the water is minimal.

Special firearms deer season—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

* * * * *

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * * *

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(7) Drive motor vehicles with or without attachments having a registered gross vehicle weight in excess of 12,000 pounds.

(8) Use [boats] a boat propelled by a motor or operate a boat in excess of slow, no wake speed. [Battery powered electric motors may be used on waterways unless posted otherwise] Boats propelled by electric motors are authorized for use on waterways when operated at slow, no-wake speed unless the waterway is otherwise posted closed to all boats or all boats propelled by a motor.

(9) Consume, possess or transport any alcohol, liquor, beer, malt or brewed alcoholic beverage.

* * * * *

[Pa.B. Doc. No. 22-1693. Filed for public inspection November 4, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 24, 2022, meeting to amend § 141.6 (relating to illegal devices) to allow the use of body gripping traps with a spread larger than 6 1/2" x 6 1/2" for river otters.

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

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

This proposed rulemaking was made public at the September 24, 2022, meeting of the Commission. Com-

ments can be sent until January 28, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Currently, § 141.6 states that "It is unlawful to... [u]se body gripping traps with a spread larger than 6 1/2" x 6 1/2" for a furbearer except beaver." The agency has allowed body gripping traps to be used for otter trapping since the creation of the season, but only up to the 6 1/2" x 6 1/2" size. The Commission is proposing to amend § 141.6 to allow the use of body gripping traps with a spread larger than 6 1/2" x 6 1/2" for river otters as well. The Commission has determined that there are no significant biological concerns with this change.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "...promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.6 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.6 to allow the use of body gripping traps with a spread larger than 6 1/2" x 6 1/2" for river otters as well.

3. Persons Affected

Persons wishing to use body gripping traps with a spread larger than 6 1/2" x 6 1/2" to harvest an otter will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-488. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.6. Illegal devices.

It is unlawful to:

* * * * *

(2) Use snares to take wildlife or furbearers except beavers may be taken with snares completely or partially submerged in water in a waterway or watercourse, marsh, pond or dam.

(3) Use body gripping traps with a spread larger than 6 1/2" x 6 1/2" for [**a furbearer**] **any furbearer**, except beaver **and otter**.

(4) Use a cage or box trap capable of catching more than one furbearer at a time.

* * * * *

[Pa.B. Doc. No. 22-1694. Filed for public inspection November 4, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Furbearer Hunting-Trapping Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 24, 2022, meeting to amend § 147.701 (relating to general) to create a universal reporting period of 48 hours for bobcat, fisher and otter harvests.

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

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

This proposed rulemaking was made public at the September 24, 2022, meeting of the Commission. Comments can be sent until January 28, 2023, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 147.701 currently establishes a 48-hour reporting period for any person taking a bobcat or fisher. This section also establishes a 24-hour reporting period for any person taking an otter. The Commission originally established the shorter reporting window for the 2015-2016 otter season to allow Game Wardens to inspect the carcass to confirm it was taken during the open season. Today, after the seventh year of otter trapping, the season has increased from only two open wildlife management units (WMU) and a 3-day season to five open WMUs and an 8-day season. With these expanding opportunities, the Commission's concerns with furtakers harvesting early and reporting during the season have diminished. Furthermore, reporting otter harvests within 48 hours of harvest is now considered acceptable, especially in light of the confusion shared by many furtakers that was caused by the differing reporting periods. The Commission is proposing to amend § 147.701 to create a universal reporting period of 48 hours for bobcat, fisher and otter harvests. The amendments to § 147.701 will not take effect until the 2023-2024 license year. For the 2022-2023 license year, otter reporting will be taken by HuntFishPA, the same method used for reporting bobcat and fisher harvests and CITES tags will be mailed in a similar manner to bobcat CITES tags.

Section 2901(b) of the code (relating to authority to issue permits) provides "...the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.701 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 147.701 to create a universal reporting period of 48 hours for bobcat, fisher and otter harvests.

3. Persons Affected

Persons holding an otter harvest permit within the Commonwealth will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-487. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter S. FURBEARER HUNTING-TRAPPING PERMITS

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat and the trapping of otter and fisher during the seasons established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

* * * * *

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat, **fisher or otter [or fisher]** shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a Convention on International Trade in Endangered Species (CITES) tag is attached, if applicable, or the animal is mounted, tanned, made into a commercial fur or prepared for consumption.

(ii) A permitted person taking a bobcat [**or**], fisher **or otter** shall report the harvest to the Commission within 48 hours of the taking by a means specified by the Director. [**A permitted person taking an otter shall report the harvest to the Commission within 24 hours of the taking by a means specified by the Director.**]

(iii) A CITES tag for a bobcat or otter taken under this permit will be provided by the Commission in the event that the bobcat, otter or any parts thereof are exported internationally or upon request of the permittee. The CITES tag shall immediately be locked through the eyes of the pelt or, in the event of any other part, locked through and attached to the part. The CITES tag must

remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

* * * * *

[Pa.B. Doc. No. 22-1695. Filed for public inspection November 4, 2022, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending October 25, 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

Branch Discontinuances

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---------------------------------------|---|---------------|
| 10-14-2022 | ACNB Gettysburg Adams County | 101 Main Street Arendtsville Adams County | Closed |
| 10-14-2022 | ACNB Gettysburg Adams County | 101 North Main Street Bendersville Adams County | Closed |

Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i> | <i>Action</i> |
|-------------|---|---------------|
| 10-19-2022 | The Gratz Bank Gratz Dauphin County Amendment to Articles 1 and 2 of the institution's Articles of Incorporation provides for Article 1 to change the bank's name from The Gratz Bank to LINKBANK and Article 2 to change the bank's principal place of business from 32 West Market Street, Gratz, Dauphin County, PA to 3045 Market Street, Camp Hill, Cumberland County, PA. Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety. | Approved |

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. 22-1696. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of "base figure" in section 101 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2023.

The Department has determined that the current base figure of \$278,204 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$301,022. This new base figure will be effective January 1, 2023, for the calendar year 2023.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-1697. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Public Comment Period, First Public Hearing and Pennsylvania Housing Advisory Committee Meeting; 2023 Annual Action Plan

The Department of Community and Economic Development (Department) is preparing the Commonwealth's 2023 Action Plan of the Consolidated Plan (Plan) for 2019—2023. The Plan is a document submitted to the United States Department of Housing and Urban Development (HUD) every 5 years analyzing the needs of the nonentitlement areas of the Commonwealth in the areas of housing, community development, homelessness prevention and economic development. From this analysis, a unified strategy for housing, homelessness and community development programs, including the necessary linkages for building successful neighborhoods and communities is created. The Action Plan is the annual application to HUD for Federal funds administered by the Commonwealth for the nonentitlement communities of the State. The HUD funding programs covered by the Plan and administered by the Department are the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), the Emergency Solutions Grant (ESG), CDBG Disaster Recovery (CDBG-DR), CDBG-CARES Act (CDBG-CV), ESG-CARES Act (ESG-CV) and Neighborhood Stabilization Program (NSP-1 and NSP-3) programs. The Plan also covers the following programs which are administered by other Commonwealth agencies: the Housing Opportunities for Persons with AIDS (HOPWA) and HOPWA-CARES Act (HOPWA-CV) programs administered by the Department of Health and the National Housing Trust Fund (HTF) administered by the Pennsylvania Housing Finance Agency.

Invitation for Public Comment

The public is invited to provide public comment about topics related to the needs of this Commonwealth in the following areas: community development; housing including special needs; homelessness; economic development; and any changes to the methods of distribution of the existing Federal programs.

Public comments will be accepted until 4 p.m., Friday, January 13, 2023, for review and consideration for the Action Plan. Comments should be submitted to Megan Sieber, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, RA-DCEDcdbghomequestions@pa.gov.

First Public Hearing

Thursday, December 15, 2022
1 p.m.

The first public hearing for the 2023 Annual Action Plan will be conducted electronically by means of Microsoft Teams on Thursday, December 15, 2022, at 1 p.m. This hearing will be held virtually. Individuals who wish to make comments or discuss policy may participate directly from their phone, personal computer or from a public computer (for example, public library).

Individuals or organizations may give testimony or comments during this meeting. Comments will be accepted about topics related to the needs of the Commonwealth in the following areas: community development; housing including special needs; homelessness; economic

development; any changes to the methods of distribution of the existing Federal programs; and the continued impact of the novel coronavirus (COVID-19) pandemic on communities. In addition, a summary of the Program Year 2021 accomplishments and an overview of the annual planning process will be provided. The Commonwealth encourages public participation in this process.

Registration is not required and individuals may join the meeting directly by phone at (267) 332-8737. The conference ID is 949 580 238#.

The hearing will be recorded for public record. The hearing will be shortened if there is no one to testify or there is minimal response.

Individuals with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan Sieber at msieber@pa.gov, (717) 720-7404 or TDD (717) 346-0308 at a minimum of 72 hours prior to the meeting to discuss how the Department can accommodate their needs.

Written Comments

Written testimony, instead of testimony provided during the public hearing, must be submitted by 4 p.m., Friday, January 13, 2023, for review for consideration for the Action Plan. Comments should be submitted to Megan Sieber, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, RA-DCEDcdbghomequestions@pa.gov.

Pennsylvania Housing Advisory Committee

Tuesday, December 13, 2022
9 a.m.—10 a.m.

The Pennsylvania Housing Advisory Committee (Committee) is responsible for reviewing Statewide housing, community development and support services needs and priorities, as well as advising the Department in the preparation of the Plan, annual action plans and the coordination of Federal, State and local resources to manage the implementation of these plans.

As part of the planning process for the Plan for the 2023 Annual Action Plan, the Committee will be meeting in an open public forum to discuss the needs of this Commonwealth in terms of housing, including special needs, community development, homelessness, economic development and the continued impact of the COVID-19 pandemic on communities. Reports from the six Department regions will be presented on the needs in their respective areas of the Commonwealth collected during the annual Regional Housing Advisory Committee meetings. A summary of the accomplishments of the 2021 Program Year will be presented for the CDBG, the HOME, the ESG, CDBG-DR, CDBG-CV, ESG-CV, NSP-1 and NSP-3, HOPWA and HOPWA-CV programs and HTF.

Individuals who wish to attend the Committee meeting may join by phone at (267) 332-8737. The conference ID is 225 246 564#.

Individuals with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan Sieber at msieber@pa.gov, (717) 720-7404 or TDD (717) 346-0308 at a minimum of 72 hours prior to the meeting to discuss how the Department can accommodate their needs.

NEIL WEAVER,
Acting Secretary

[Pa.B. Doc. No. 22-1698. Filed for public inspection November 4, 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).

Section *Category*

- | | |
|-----|--|
| 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: 717-826-5472. 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> |
|---------------------------|---|-------------------------|---|---|-------------------|
| 2322806 | Joint DEP/PFBC Pesticides Permit | New | Hobbs Janice 16 Dogwood Hill Lane Chadds Ford, PA 19317-9106 | Chadds Ford Township Delaware County | SERO |
| 2322807 | Joint DEP/PFBC Pesticides Permit | New | CBRE 1 State Farm Drive Glen Mills, PA 19342-1077 | Concord Township Delaware County | SERO |
| 4013801 | Joint DEP/PFBC Pesticides Permit | Renewal | Blytheburn Lake Association 1725 Henry Drive Mountain Top, PA 18707-9020 | Rice Township Luzerne County | NERO |
| 4117801 | Joint DEP/PFBC Pesticides Permit | Renewal | Const Spec of NJ, Inc. 6696 Route 405 Highway Muncy, PA 17756-6381 | Clinton Township Lycoming County | NCRO |
| 0622407 | Land Application and Reuse of Sewage Individual WQM Permit | New | Birch Hill Road Ind Development, LLC 5 Knowles Creek Road New Hope, PA 18938-9250 | Perry Township Berks County | SCRO |
| 0473205 | Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit | Transfer | Shippingport Ind Park, LLC 500 Seneca Street Buffalo, NY 14204-1963 | Shippingport Borough Beaver County | SWRO |

| <i>Application Number</i> | <i>Permit Type</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|---|-------------------------|---|---|-------------------|
| 0805201 | Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit | Amendment | Cargill Meat Solutions Corp P.O. Box 188 1252 Route 706 Wyalusing, PA 18853-0188 | Wyalusing Township Bradford County | NCRO |
| 0471419 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Transfer | Shippingport Ind Park, LLC 500 Seneca Street Buffalo, NY 14204-1963 | Shippingport Borough Beaver County | SWRO |
| 0487403 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Transfer | Shippingport Ind Park, LLC 500 Seneca Street Buffalo, NY 14204-1963 | Shippingport Borough Beaver County | SWRO |
| 0497401 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Amendment | Honeywell Electronic Materials Inc. 195 Hartzell School Road Fombell, PA 16123-1207 | Marion Township Beaver County | SWRO |
| NOEXNE043 | No Exposure Certification | New | FedEx Supply Chain 3025 Commerce Center Boulevard Bethlehem, PA 18015-9547 | Bethlehem City Northampton County | NERO |
| NOEXSE201 | No Exposure Certification | Renewal | Tolas Health Care Pkg 905 Pennsylvania Boulevard Feasterville, PA 19053 | Upper Southampton Township Bucks County | SERO |
| NOEXSE290 | No Exposure Certification | Renewal | First Student, Inc. 470 S State Street Suite E Newtown, PA 18940 | Newtown Township Bucks County | SERO |
| NOEXSE343 | No Exposure Certification | New | SEPTA 1234 Market Street Philadelphia, PA 19107-3727 | Philadelphia City Philadelphia County | SERO |
| NOEXSW224 | No Exposure Certification | New | Lockheed Martin Aero Parts, Inc. 211 Industrial Park Road Johnstown, PA 15904-1961 | Richland Township Cambria County | SWRO |
| NOEXSW226 | No Exposure Certification | New | Lockheed Martin Aero Parts, Inc. 221 Industrial Park Road Johnstown, PA 15904-1961 | Richland Township Cambria County | SWRO |
| NOEXSW227 | No Exposure Certification | New | Lockheed Martin Aero Parts, Inc. 211 Industrial Park Road Johnstown, PA 15904-1961 | Conemaugh Township Somerset County | SWRO |
| PAR216142 | PAG-03 NPDES General Permit for Industrial Stormwater | Transfer | Shippingport Ind Park, LLC 500 Seneca Street Suite 504 Buffalo, NY 14204-1963 | Shippingport Borough Beaver County | SWRO |
| PAG046336 | PAG-04 NPDES General Permit for Small Flow Treatment Facilities | Transfer | Rabena Brian and Jennifer 107 Osage Path Stoystown, PA 15563-9055 | Indian Lake Borough Somerset County | SWRO |
| PAG066125 | PAG-06 NPDES General Permit for Combined Sewer Systems | Renewal | Sharpsburg Borough Allegheny County 1611 Main Street Pittsburgh, PA 15215-2609 | Sharpsburg Borough Allegheny County | SWRO |

NOTICES

6879

| <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> |
|---------------------------|---|-------------------------|---|--|-------------------|
| PAG066139 | PAG-06 NPDES General Permit for Combined Sewer Systems | Renewal | Ingram Borough Allegheny County 40 W Prospect Avenue Pittsburgh, PA 15205 | Ingram Borough Allegheny County | SWRO |
| PAG066141 | PAG-06 NPDES General Permit for Combined Sewer Systems | Renewal | Munhall Sanitary Sewer Municipal Authority 1809 West Street Munhall, PA 15120-2532 | Munhall Borough Allegheny County | SWRO |
| PAG133515 | PAG-13 NPDES General Permit for MS4s | Renewal | Kenhorst Borough Berks County 339 S Kenhorst Boulevard Reading, PA 19607-2038 | Kenhorst Borough Berks County | SCRO |
| PAG133600 | PAG-13 NPDES General Permit for MS4s | Renewal | Elizabeth Township Lancaster County 423 Southview Drive Lititz, PA 17543 | Elizabeth Township Lancaster County | SCRO |
| PAG133734 | PAG-13 NPDES General Permit for MS4s | Renewal | Shoemakersville Borough Berks County 846 Main Street Shoemakersville, PA 19555-1623 | Shoemakersville Borough Berks County | SCRO |
| PAG133758 | PAG-13 NPDES General Permit for MS4s | Renewal | Perry Township Berks County 680 Moselem Springs Road Shoemakersville, PA 19555 | Perry Township Berks County | SCRO |
| PAG136315 | PAG-13 NPDES General Permit for MS4s | Renewal | Sutersville Borough Westmoreland County 320 Municipal Avenue Sutersville, PA 15083-1144 | Sutersville Borough Westmoreland County | SWRO |
| PAG136336 | PAG-13 NPDES General Permit for MS4s | Renewal | Glenfield Borough Allegheny County 265 Dawson Avenue Sewickley, PA 15143-2225 | Glenfield Borough Allegheny County | SWRO |
| PAG136383 | PAG-13 NPDES General Permit for MS4s | Renewal | West Brownsville Borough Washington County 100 Courson Hill Road Washington, PA 15301 | West Brownsville Borough Washington County | SWRO |
| PAG136395 | PAG-13 NPDES General Permit for MS4s | Renewal | Oklahoma Borough Westmoreland County 170 Thorn Street Apollo, PA 15613 | Oklahoma Borough Westmoreland County | SWRO |
| 2119402 | Pump Stations Individual WQM Permit | Amendment | Carlisle Borough Cumberland County 54 N Middlesex Road Carlisle, PA 17013-1627 | Middlesex Township Cumberland County | SCRO |
| 6620401 | Sewage Treatment Facilities Individual WQM Permit | New | Lake Winola Municipal Authority Wyoming County P.O. Box 59 Lake Winola, PA 18625-0059 | Overfield Township Wyoming County | NERO |
| 0203405 | Single Residence Sewage Treatment Plant Individual WQM Permit | Transfer | Beradi Stephanie 921 Northeast Drive Irwin, PA 15642-1978 | Lincoln Borough Allegheny County | SWRO |
| 0560406 | Single Residence Sewage Treatment Plant Individual WQM Permit | Transfer | Rabena Brian and Jennifer 107 Osage Path Stoystown, PA 15563-9055 | Indian Lake Borough Somerset County | SWRO |

| <i>Application Number</i> | <i>Permit Type</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|---|-------------------------|---|--|-------------------|
| 5622402 | Single Residence Sewage Treatment Plant Individual WQM Permit | New | Indian Lake Borough Somerset County 7785 Lincoln Highway Central City, PA 15926-7500 | Indian Lake Borough Somerset 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

PA0060305, Industrial, SIC Code 4941, **PA DCNR**, 28 Entrance Road, Troy, PA 16947-8506. Facility Name: Mt. Pisgah State Park. This existing facility is located in West Burlington Township, **Bradford 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), Mill Creek (TSF), is located in State Water Plan watershed 4-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0002 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> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.2 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Aluminum, Total | XXX | XXX | XXX | 4.0 | 8.0 | XXX |
| Iron, Total | XXX | XXX | XXX | Annl Avg 2.0 | Daily Max 4.0 | XXX |
| Manganese, Total | XXX | XXX | XXX | Annl Avg 1.0 | Daily Max 2.0 | XXX |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0002 MGD.—Limits.

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

- Other 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 in effect.

Northeast Regional Office

PA0275841, Industrial, SIC Code 3561, **Curtiss Wright EPD**, 1185 Feather Way, Bethlehem, PA 18015. Facility Name: Curtiss Wright EPD. This existing facility is located in Bethlehem City, **Northampton 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) Saucon Creek and Unnamed Stream is located in State Water Plan watershed—and 2-C and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

| <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>Daily Maximum</i> | |
| pH (S.U.) | XXX | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for IMP 101 are based on a design flow of 1.125 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Flow (GPM) | Report | XXX | XXX | XXX | XXX | XXX |

| <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> | |
| Duration of Discharge (hours) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | Report Inst Min | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | Report | XXX | 0.05 |
| Total Suspended Solids | XXX | XXX | XXX | Report | XXX | XXX |
| Oil and Grease | XXX | XXX | XXX | 15.0 | XXX | 30.0 |
| Iron, Dissolved | XXX | XXX | XXX | Report | XXX | XXX |
| Total Volume (GPM) | Report | XXX | XXX | XXX | XXX | XXX |
| | Total Mo | | | | | |

The proposed effluent limits for IMP 201 are based on a design flow of 1.125 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------------------|-----------------------------|-----------------------|--------------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Flow (GPM) | Report | XXX | XXX | XXX | XXX | XXX |
| Duration of Discharge (hours) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | Report Inst Min | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | Report | XXX | 0.05 |
| Total Suspended Solids | XXX | XXX | XXX | Report | XXX | XXX |
| Oil and Grease | XXX | XXX | XXX | 15.0 | XXX | 30.0 |
| Iron, Dissolved | XXX | XXX | XXX | Report | XXX | XXX |
| Total Volume (GPM) | Report | XXX | XXX | XXX | XXX | XXX |
| | Total Mo | | | | | |

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northeast Regional Office

PAI132215, MS4, **Bath Borough**, 121 S. Walnut Street, Bath, PA 18014.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Bath Borough, **Northampton County**. The receiving streams, Monocacy Creek (HQ-CWF, MF), Tributary 3410 to Monocacy Creek (HQ-CWF, MF), and East Branch Monocacy Creek (HQ-CWF, MF) are located in State Water Plan watershed 2-C and are classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

Northeast Regional Office

PAI132223, MS4, **Hellertown Borough**, 685 Main Street, Hellertown, PA 18055.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Hellertown Borough, **Northampton County**. The receiving streams, Silver Creek (CWF, MF), Polk Valley Run (CWF, MF) and Saucon Creek (HQ-CWF, MF), are located in State Water Plan watershed 2-C and are classified for High Quality—Cold Water and Migratory Fish (Saucon Creek), Cold Water and Migratory Fish (Silver Creek and Polk Valley Run), and for aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

Northeast Regional Office

PAS232210, Storm Water, SIC Code 3085, **Altium Pkg, LLC**, 2500 Windy Ridge Parkway, Atlanta, GA 30339. Facility Name: Consolidated Container Co. Allentown. This existing facility is located in Upper Macungie Township, **Lehigh 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), Iron Run (HQ-CWF, MF), is located in State Water Plan watershed 2-C 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 0 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|------------------------|----------------------|----------------|---------|-----------------------|---------------|------|
| | Average Monthly | Average Weekly | | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Zinc, Total | 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 570-826-5472.

The EPA Waiver is in effect.

Northwest Regional Office

PA0223042, Sewage, SIC Code 4952, **Farmington Township**, P.O. Box 148, Leeper, PA 16233-0148. Facility Name: Farmington Township STP Clarion. This existing facility is located in Farmington 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(s), Licking Creek, is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 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 | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| Dissolved Oxygen | XXX | XXX | Daily Min | XXX | Daily Max | XXX |
| | | | 4.0 | | XXX | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 21 | 33 | XXX | 25 | 40 | 50 |
| Biochemical Oxygen Demand (BOD ₅) | Report | Report | XXX | Report | XXX | XXX |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | 25 | 38 | XXX | 30 | 45 | 60 |
| Total Suspended Solids | | | | | | |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| Oct 1 - Apr 30 | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | Geo Mean | 200 | 1,000 |
| Ammonia-Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Total Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | Avg Qrtly | XXX | XXX | Avg Qrtly | XXX | XXX |
| | Report | | | Report | | |
| | Avg Qrtly | | | Avg Qrtly | | |

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0273058, Sewage, SIC Code 4952, 8800, **Christopher & Kristina Reeher**, 34 Maple Road, Greenville, PA 16125-9258. Facility Name: Christopher & Kristina Reeher SRSTP. This existing facility is located in West Salem Township, **Mercer County**.

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

The receiving stream is an Unnamed Tributary to Big Run, located in State Water Plan watershed 20-A and classified for Warm 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 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

PA0291307, Sewage, SIC Code 4952, 8800, **James Smith**, 1052 W Corydon Street, Bradford, PA 16701-4610. Facility Name: James Smith SRSTP. This proposed facility is located in Bradford Township, **McKean County**.

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

The receiving stream is an unnamed tributary to West Branch Tunungwant Creek, located in State Water Plan watershed 16-C and classified for High Quality Waters—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 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

PA0000183, Industrial, SIC Code 3743, **Wabtec U.S. Rail, Inc.**, 2901 East Lake Road, Building 9-201, Erie, PA 16531-0001. Facility Name: General Electric Transportation Erie. This existing facility is located in Lawrence Park Township, **Erie 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 streams, an Unnamed Tributary to Lake Erie (WWF, MF) and Fourmile Creek (WWF, MF), is located in State Water Plan watershed 15-A and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.66 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>Daily Maximum</i> | |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| Oil and Grease | XXX | XXX | Daily Min XXX | 30.0 Daily Max | Daily Max XXX | 30 |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00 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>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 003 are based on a design flow of 0.00 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>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 004 are based on a design flow of 0.00 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>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 006 are based on a design flow of 0.00 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>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 007 are based on a design flow of 0.00 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>Daily Maximum</i> | |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

PAI138305, MS4, **Harborcreek Township**, 5601 Buffalo Road, Harborcreek, PA 16421-1625.

The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Harborcreek Township, **Erie County**. The receiving stream(s), Unnamed Tributaries to Lake Erie (CWF, WWF, MF), Lake Erie (CWF, MF), Twelvemile Creek (HQ-CWF, MF), Eightmile Creek (CWF, MF), and Sixmile Creek (CWF, MF), is located in State Water Plan watershed 15-A and is classified for High Quality—Cold Water, Migratory Fish, Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

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

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

Southcentral Regional Office

PA0043672, Industrial, SIC Code 3489, **General Dynamics OTS (PA), Inc.**, 200 E High Street, Red Lion, PA 17356-1426. Facility Name: General Dynamics OTS PA. This existing facility is located in Red Lion Borough, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of industrial stormwater, treated groundwater, and NCCW (emergency only).

The receiving stream(s), Fishing Creek (TSF, MF), is located in State Water Plan watershed 7-I and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 (Emergency only)—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|--------------------------|----------------------|------------------|-----------------|-----------------------|------------------|------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum Daily | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Temperature (deg F) (°F) | XXX | XXX | XXX | XXX | Report Daily Max | XXX |

The proposed effluent limits for Outfall 002 (AST1) are based on a design flow of 0.005 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|--|----------------------|------------------|-----------------|-----------------------|---------------|-------|
| | Average Monthly | Average Weekly | | Average Monthly | Daily Maximum | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Trichloroethylene AST1 Effluent | XXX | XXX | XXX | 0.03 | 0.06 | 0.075 |
| Trichloroethylene AST1 Influent | XXX | XXX | XXX | XXX | Report | XXX |
| Chloroethane AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| 1,1,1-Trichloroethane AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| 1,1-Dichloroethane AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| 1,2-Dichloroethane AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| Chloroform AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| 1,1-Dichloroethylene AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| cis-1,2-Dichloroethylene AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| trans-1,2-Dichloroethylene AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| Tetrachloroethylene AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| Vinyl Chloride AST1 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 002 (Stormwater)—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 |

| <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>Daily Maximum</i> | |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | XXX | XXX | XXX | XXX | Report | XXX |
| Aluminum, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Antimony, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Arsenic, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Cadmium, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Chromium, Hexavalent | XXX | XXX | XXX | XXX | Report | XXX |
| Copper, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Iron, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Lead, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Nickel, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Selenium, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Silver, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Thallium, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Zinc, Total | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 003 (AST2) are based on a design flow of 0.080 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>Daily Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Trichloroethylene AST2 Effluent | XXX | XXX | Inst Min | 0.02 | 0.04 | 0.05 |
| Trichloroethylene AST2 Influent | XXX | XXX | XXX | XXX | Report | XXX |
| Carbon Tetrachloride AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| Chloroethane AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| 1,1,1-Trichloroethane AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| 1,1-Dichloroethane AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| Chloroform AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| 1,1-Dichloroethylene AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| cis-1,2-Dichloroethylene AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| Tetrachloroethylene AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |
| Vinyl Chloride AST2 Influent and Effluent | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 005 (Stormwater).—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>Daily Maximum</i> | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | XXX | XXX | XXX | XXX | Report | XXX |
| Aluminum, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Antimony, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Arsenic, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Cadmium, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Chromium, Hexavalent | XXX | XXX | XXX | XXX | Report | XXX |
| Copper, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Iron, Total | XXX | XXX | XXX | XXX | Report | XXX |

| <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>Daily Maximum</i> | |
| Lead, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Nickel, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Selenium, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Silver, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Thallium, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Zinc, Total | XXX | XXX | XXX | XXX | Report | XXX |

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

- Requirements Applicable to Stormwater Outfalls including:

- The permittee is authorized to discharge non-polluting stormwater from its site, alone or in combination with other wastewaters, through the following outfalls:

| <i>Outfall No.</i> | <i>Area Drained (ft²)</i> | <i>Latitude</i> | <i>Longitude</i> | <i>Description</i> |
|--------------------|--------------------------------------|-----------------|------------------|---|
| 002 | 427,000 | 39° 54' 16.78" | -76° 36' 6.45" | Material loading/unloading, parking lots, storage tanks, trash compactor, building roof |
| 005 | 442,000 | 39° 54' 14.91" | -76° 36' 13.00" | Material loading/unloading, parking lots, storage tanks, dumpsters/rolloffs, building roof, steel and aluminum barstock, wood pallets, steel tubs |

Monitoring requirements and effluent limitations for these outfalls are specified in Part A of this permit, if applicable.

- Stormwater Annual Report
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements including:

| <i>Parameter</i> | <i>Benchmark Value (mg/L)</i> |
|---|-------------------------------|
| Total Suspended Solids (TSS) (mg/L) | 100 |
| Oil and Grease (mg/L) | 30 |
| 5-Day Biochemical Oxygen Demand (BOD ₅) | 30 |

- Groundwater Cleanup—Volatile Organic Compounds (VOCs) including:

- Sampling shall be in accordance with monitoring requirements in Part A of this permit. All monitoring results shall be submitted with the monthly DMR.

- The Groundwater Monitoring Data Report form (3800-FM-BCW0443) shall be submitted to DEP's Clean Water Program on a quarterly basis, as an attachment to the appropriate DMR.

If the permittee monitors any pollutant and/or performs any measurements more frequently than the permit requires, the results of this monitoring shall be included on the quarterly report.

- A GRS Annual Report shall be submitted annually to the Clean Water Program on January 28 (for the previous calendar year). The Groundwater Remediation System (GRS) Annual Report shall address activities under the permit for the previous calendar year including groundwater quality data. If modification to the operation is proposed, details must be submitted along with the GRS Annual Report.

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0057479, Industrial, SIC Code 3731, **Rhoads Ind., Inc.**, 1900 Kitty Hawk Avenue, Philadelphia, PA 19112. Facility Name: Philadelphia Navy Ship Yard Dry Dock 2. This existing facility is located in Philadelphia City, **Philadelphia County**.

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

The receiving stream(s), Delaware River (WWF, MF), is located in State Water Plan watershed 3-J 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 010 are based on a design flow of 1.092 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|----------------------------------|----------------------|------------------|-----------------|-----------------------|---------------|------|
| | Average Monthly | Average Weekly | | Average Monthly | Daily Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | Daily Max XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Total Suspended Solids | XXX | XXX | XXX | 100.0 | 200.0 | 250 |
| Oil and Grease | XXX | XXX | XXX | 15.0 | 30.0 | 30 |
| Copper, Total | XXX | XXX | XXX | Report | Report | XXX |
| Iron, Total | XXX | XXX | XXX | Report | Report | XXX |
| Lead, Total | XXX | XXX | XXX | Report | Report | XXX |
| Zinc, Total | XXX | XXX | XXX | Report | Report | XXX |
| PCBs Dry Weather Analysis (pg/L) | XXX | XXX | XXX | XXX | Report | XXX |

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

- I. Other Requirements
- II. Requirements Applicable to Stormwater Outfalls
- III. PCB Pollutant Minimization Plan and Monitoring

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

PA0244970, Storm Water, SIC Code 2821, **DSM Biomed**, 735 Pennsylvania Drive, Exton, PA 19341-1130. Facility Name: DSM Biomedical. 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 industrial stormwater.

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 Fish 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 is based are based on storm event

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|------------------------------|----------------------|----------------|---------|-----------------------|---------------|------|
| | Average Monthly | Average Weekly | | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Chemical Oxygen Demand (COD) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | XXX | XXX | XXX | XXX | Report | XXX |
| Total Phosphorus | XXX | XXX | XXX | XXX | Report | XXX |
| Aluminum, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Iron, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Lead, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Zinc, Total | XXX | XXX | XXX | XXX | Report | XXX |

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

Proposed Part C Conditions:

- I. Stormwater Outfalls and Authorized Non-Stormwater Discharges
- II. Best Management Practices (BMPs)
- III. Routine Inspections
- IV. Preparedness, Prevention, and Contingency (PPC) Plan
- V. Stormwater Monitoring Requirements
- VI. Other Requirements
 - A. Acquire Necessary Property Rights
 - B. Sludge Disposal Requirements
 - C. BAT/ELG Reopener
 - D. Small Stream Discharge
 - E. Remedial Measures if Public Nuisance

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

PA0036595, Sewage, SIC Code 8361, **Basalt Trap Rock, LLC**, P.O. Box 653, Stevensville, MD 21666-0653. Facility Name: **Right Way Academy**. This existing facility is located in Morgan 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), South Fork Tenmile Creek (WWF), is located in State Water Plan watershed 19-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.062 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> | |
| 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 | XXX | XXX | XXX |
| | | | 5.0 | | | |
| Total Residual Chlorine (TRC) | XXX | XXX | Daily Min | 0.5 | XXX | 1.6 |
| | | | XXX | | | |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 10 | XXX | 20 |
| | | | XXX | | | |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | Geo Mean | XXX | 1,000 |
| | | | | 200 | | |
| Ammonia-Nitrogen | XXX | XXX | XXX | 9.0 | XXX | 18.0 |
| | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 3.0 | XXX | 6.0 |
| | | | | | | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Total Nitrogen | XXX | XXX | XXX | XXX | Report | XXX |
| | | | | | Daily Max | |
| Total Phosphorus | XXX | XXX | XXX | XXX | Report | XXX |
| | | | | | Daily Max | |

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

- None

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0096334, Sewage, SIC Code 8211, **Clelian Heights School for Exceptional Children**, 135 Clelian Heights Lane, Greensburg, PA 15601-6665. Facility Name: Clelian Hts School for Exceptional Children STP. This existing facility is located in Hempfield Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary to Beaver Run (HQ-CWF), is located in State Water Plan watershed 18-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.—Interim Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.6 |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.—Final Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|-------------------------------|----------------------|----------------|---------|-----------------------|---------|------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.05 | XXX | 0.18 |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 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 | XXX |
| Aluminum, Total | XXX | XXX | XXX | XXX | Daily Max | XXX |
| Iron, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Manganese, Total | XXX | XXX | XXX | XXX | Daily Max | XXX |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|-----------------|-----------------------|---------|--------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Flow (MGD) | 0.009 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | Inst Min 6.0 | XXX | XXX | XXX |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | Inst Min XXX | 25.0 | XXX | 50.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | XXX | 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 |
| Ammonia-Nitrogen | | | | | | |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 6.7 | XXX | 13.4 |
| May 1 - Oct 31 | XXX | XXX | XXX | 2.7 | XXX | 5.4 |
| Total Phosphorus | XXX | XXX | XXX | 2.0 | XXX | 4.0 |

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0255033, Sewage, SIC Code 8811, **Josephine T Duman Estate**, 2028 Duman Road, Ebensburg, PA 15931-6803. Facility Name: Duman Estate SRSTP. This existing facility is located in Barr Township, **Cambria County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

| Parameters | Mass Units (lbs./day) | | Minimum | Concentrations (mg/L) | | IMAX |
|---|-----------------------|----------------|---------|-----------------------|---------|--------|
| | Average Monthly | Average Weekly | | Annual Average | Maximum | |
| Flow (MGD) | Report Annl Avg | XXX | XXX | XXX | XXX | XXX |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 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 |
| Total Phosphorus | XXX | XXX | XXX | Report Daily Max | XXX | Report |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Annual Average</i> | <i>Maximum</i> | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | Report Avg Qrtly | XXX | Report |

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

- Septic tank pumping requirement
- Optimization of TRC dosage

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> |
|---------------------------|-------------------------|--|---|---------------|
| PAD150268 | New | 802 E. Baltimore Pike, LLC Kurt Hutter 802-810 East Baltimore Pike Kennett Square, PA 19348 | East Marlborough Township Kennett Township Chester County | SERO |
| PAD150281 | New | Adam Pompei and Patricia Pompei 1021 Bodine Road Chester Springs, PA 19425-2007 | West Vincent Township Chester County | SERO |
| PAD460073 | New | Concert Philmont, LLC c/o Ridgewood Real Estate Partners Philmont Country Club Pine Road & Tomlinson Road Huntingdon Valley, PA 19006-4815 | Lower Moreland Township Montgomery County | SERO |
| PAD510225 | New | Alliance 51st Street, LLC 1646 S. 51st Street Philadelphia, PA 19143 | City of Philadelphia Philadelphia County | SERO |
| PAD060003 | Renewal | East Penn Manufacturing Company Deka Road Lyon Station, PA 19536 | Richmond Township Maxatawny Borough Berks County | SCRO |
| PAD210082 | New | Hamilton Commons, LLP Clay & Hamilton Streets Carlisle, PA 17013 | Carlisle Borough Cumberland County | SCRO |
| PAD090087 | New | Byberry Woods, LLC Sandra DiNardo 1282 Byberry Road Bensalem, PA 19020 | Bensalem Township Bucks County | SERO |
| PAD670063 A-1 | Renewal | Inch's Properties, LLC 350 North Sherman Street York, PA 17403 | Spring Garden Township York County | SCRO |
| PAD450031 | Renewal | Hardrock Trucking & Excavating, LLC 784 Frable Road Brodheads ville, PA 18322 | Hamlin Township Monroe County | NERO |
| PAD450166 | New | TJA Realty, Inc. 351 Cedar Road Bangor, PA 18013 | Hamilton Township Monroe County | NERO |
| PAD140011 [1] | Major Amendment | Grays Woods Partnership Grays Woods Planned Community Port Matilda, PA 16870 | Patton Township Centre County | NCRO |
| PAD140086 A-1 | Major Amendment | HRI, Inc. Route 80 Bellefonte, PA 16823 | Marion Township Centre County | NCRO |
| PAD140094 | New | Nicholas Wellar 2252 Dix Run Road Julian, PA 16844 | Huston Township Centre County | NCRO |

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30-days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (DEP) the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, DEP will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

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

Application No. 2222519, Construction, Public Water Supply.

| | |
|----------------------|---|
| Applicant | Susquehanna Area Regional Airport Authority/Harrisburg International Airport |
| Address | One Terminal Drive Suite 300 Middletown, PA 17057 |
| Municipality | Lower Swatara Township |
| County | Dauphin County |
| Responsible Official | Timothy J. Edwards One Terminal Drive Suite 300 Middletown, PA 17057 |
| Consulting Engineer | Glace Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011 |
| Application Received | October 5, 2022 |
| Description | Demonstration of 4-Log Treatment of Viruses. |

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified individual, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

The DEP has received the following Notice(s) of Intent to Remediate.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa Hensel, Clerical Assistant 2, 570-327-3653.

Stellar Cargo, Inc. Diesel Fuel Cleanup, Primary Facility ID # **855046**, Interstate 80 at MM 210E, exit 210A to US Route 15S, New Columbia, PA 17856, White Deer Township, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889 on behalf of Stellar Cargo, Inc., 110 Higgins Road, Park Ridge, IL 60068, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Item* on October 11, 2022. Application received: October 21, 2022.

Jorawar Transport, LLC Diesel Fuel Cleanup, Primary Facility ID # **859453**, Interstate 80 at MM 216E, Milton, PA 17847, East Chillisquaque Township, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889 on behalf of Jorawar Transport LLC, 75 Oak Creek Road, East Windsor, NJ 05620, has submitted a Notice of Intent to remediate concerning remediation of site soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Item* on September 16, 2022. Application received: October 21, 2022.

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 Notice of Intent to Remediate. Soil was contaminated by a release of diesel-based drilling mud. The Notice of Intent to Remediate was published in *The Susquehanna County Transcript* on October 12, 2022. Application received: October 20, 2022.

Falcon Oil Tanker Spill, Primary Facility ID # **848995**, SR 315 & I-81 Southbound Entrance Ramp near MM 174, Pittston, PA 18640, Jenkins Township, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512 on behalf of Falcon Oil Company, Inc., 1630 Main Street, Blakely, PA 18447, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with gasoline from a tank truck accident. The Notice of Intent to Remediate was published in *The Scranton Times* on October 14, 2022. Application received: October 21, 2022.

Former Neuweiler Brewery, Primary Facility ID # **665057**, 401 North Front Street and 16 West Liberty Street, Allentown, PA 18102, City of Allentown, **Lehigh County**. Earthres Group, 6912 Old Easton Road, Pipersville, PA 18947 on behalf of 401 N. Front Street LLC, 114 West Allen Street, Allentown, PA 18102, submitted a Notice of Intent to Remediate. Soil was contaminated with arsenic from historic industrial operations. The Notice of Intent to Remediate was published in the *Morning Call* on October 21, 2022. Application received: October 24, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

Contact: Waste Management Program Manager.

WMGM019SW006. Adler and Sons, Inc., 1011 Middlesex Road, Gibsonia, PA 15044, Richland Township, **Allegheny County**. A determination of applicability to operate under municipal waste general permit WMGM019 for the processing of waste concrete and asphalt to produce a roadway construction material and for the processing of wood waste, uncontaminated soil and leaf and yard waste to produce topsoil, landscaping mulch material and compost at 1011 Middlesex Road, Gibsonia, PA 15044. Application received: December 9, 2021. Deemed administratively complete: April 5, 2022.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@PA.GOV, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

WMGM043SW008. Diamond Mulch, Inc., P.O. Box 693, Indianola, PA 15051, Indiana Township, **Allegheny County**. An application for Determination of Applicability coverage under general permit WMGM043 for the processing of construction and demolition waste for recycling at 1 Hershey Road, Indianola, PA 15051. Application received: June 7, 2022. Deemed administratively complete: June 21, 2022.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@PA.GOV, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

WMGM044SW001. Reserve Park Recycling and Transfer, Inc., 408 Hoffman Road, Pittsburgh, PA 15212-1121, Reserve Township, **Allegheny County**. An application for the processing of wood waste, gypsum board, rubble, organic/other waste, cardboard, particle board, newspaper, non-asphalt containing asphalt shingles, recyclable plastic waste, and scrap metal for beneficial use as mulch, soil erosion control material, aggregate material in construction, animal bedding, alternative fuel, or distributed to wholesale outlets at Michael Brothers Reserve Park Facility, 408 Hoffman Road, Pittsburgh, PA 15212-1121. Application received: August 19, 2022. Deemed administratively complete: September 6, 2022.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@PA.GOV,

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**DETERMINATION OF APPLICABILITY FOR
RESIDUAL WASTE GENERAL PERMITS**

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

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

Contact: Waste Management Program Manager.

WMGR123SW062, PennEnergy Resources, LLC, 1000 Commerce Drive, Park Place One, Suite 400, Pittsburgh, PA 15275, Marion Township, **Beaver County**. An application for coverage under General Permit No. WMGR123 for the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well at the ConnQ Pad, Route 588, Fombell, PA 16123. Application received: June 17, 2022. Deemed administratively complete: August 4, 2022.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@PA.GOV, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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.

101711. Casella Waste Management of Pennsylvania, Inc., 19 Ness Lane, Kane, PA 16735, Sergeant Township, **McKean County**. Permit application for a municipal waste transfer station to accept waste via the railroad. Casella had a previously permitted transfer station in 2016 but the facility was never constructed, and the permit became void. Application received: September 6, 2022. Deemed administratively complete: October 3, 2022.

Comments or questions concerning the application should be directed to 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 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.

301356. Cleveland-Cliffs Steel Corporation, 210 Pittsburgh Road, Route 8 South, Butler, PA 16003, Butler Township, **Butler County**. Major permit modification application to an existing captive residual waste landfill for the vertical and horizontal expansion of the landfill disposal area. Application received: September 28, 2022. Deemed administratively complete: October 24, 2022.

Comments or questions concerning the application should be directed to 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 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.

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

Contact: John Oren, Waste Management Permits Section Chief, 717-705-4907.

101606. Kline's Services LLC, 5 Holland Street, Salunga, PA 17538, East Hempfield Township, **Lancaster County**. Renewal of Operating Permit # 101606. Application received: October 7, 2022. Deemed administratively complete: October 24, 2022.

Comments or questions concerning the application should be directed to John Oren, Waste Management Permits Section Chief, (717-705-4907), Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

Contact: Waste Management Program Manager.

301389. Range Resources—Appalachia LLC, 3000 Town Center Blvd, Canonsburg, PA 15317, Chartiers Township, **Washington County**. An application for an oil and gas wastewater storage impoundment for the storage and reuse of freshwater or oil and gas produced water at the Chartiers 16 Centralized Impoundment located at 430 Arden Road, Washington, PA 15301, Chartiers Township, Washington County. Application received: July 11, 2022. Deemed administratively complete: October 14, 2022.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@PA.GOV, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

301386. CNX Gas Company, LLC, 1000 Consol Drive, Canonsburg, PA 15317, Morris Township, **Washington**

County. An application for an oil and gas wastewater storage impoundment for the storage and reuse of freshwater or oil and gas produced water at the NV North # 3 and NV North # 4 Centralized Impoundments located at 24 Cabin Road, Prosperity, PA 15329, Morris Township, Washington County. Application received: January 26, 2022. Deemed administratively complete: October 14, 2022.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@PA.GOV, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

25-01068A: Family Friends Pet Loss Services, LLC, 502 West 12th Street, Erie, PA 16501, City of Erie, Erie County. The Department received the application for the construction and initial operation of an animal crematory. Application received: October 7, 2022.

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.

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

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

08-00010S: Global Tungsten & Powders Corp., 1 Hawes Street, Towanda, PA 18848, Towanda Borough, Bradford County. Application received: July 19, 2022. For installation of a new dust collector and HEPA filter to replace the previously installed cyclone collector and wet scrubber on the existing Calciner # 5 (Source ID P219) at the Towanda Facility. The Department of Environmental Protection's (Department) review of the information submitted by Global Tungsten & Powders Corp. indicates that the air cleaning devices to be installed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department proposes to issue a plan approval for the proposed installation. The emissions from Calciner # 5 after the installation of the new air cleaning device will not exceed 0.01 ton per year of filterable particulate matter or hazardous air pollutants. There will be no change in combustion emissions associ-

ated with the calciner's six 0.3 MMBtu/hr gas-fired burners. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: Calciner # 5 shall only be fired on natural gas or propane. The dust collector and HEPA filter shall have a combined control efficiency for filterable particulate matter of at least 99.5%. The dust collector and HEPA filter shall each be equipped with instrumentation to continuously monitor the pressure drop across the control device. The Department reserves the right to establish a pressure drop range for the dust collector and/or HEPA filter upon the issuance of an operating permit. The permittee shall record the pressure drop across the dust collector and the HEPA filter at least once per operating day. The permittee shall maintain records, including supporting calculations, as necessary to demonstrate compliance with the particulate matter emissions limitations. These records shall be kept on site for a minimum of five years and shall be presented to the Department upon request. The permittee shall keep on hand sufficient quantity of spare fabric collector bags and filters for all collectors and filters at the facility in order to be able to immediately replace any bag or filter requiring replacement. Any air compressor used to provide compressed air to any of the collectors or filters shall be equipped with an air dryer and an oil trap. Calciner # 5 as well as its associated control devices and monitoring equipment shall be operated and maintained in accordance with the manufacturer's specifications and in a manner consistent with good air pollution control practices for minimizing emissions. Calciner # 5 is a Harper Furnace model GU-30D180-RTA-20 tungsten carbide scrap calciner which incorporates six natural gas/propane-fired burners collectively rated at 1.80 MMBtu/hr of heat input. The particulate matter emissions from Calciner # 5 shall be controlled by a Scientific Dust Collector model SPJ-X4RT10 dust collector followed by a Sure Line Filter Housing model 26L06X04 HEPA filter. The particulate matter emissions from the Calciner # 5 dust bin and product bin shall be controlled by a Scientific Dust Collector model SPJ-X4RT10 dust collector followed by a Sure Line Filter Housing model 26L06X04 HEPA filter. The facility is a State Only facility. If the Department determines that the control devices are installed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 08-00010S, the requirements established in the plan approval will be incorporated into State Only Operating Permit 08-00010 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

08-00010R: Global Tungsten & Powders Corp., 1 Hawes Street, Towanda, PA 18848, Towanda Borough, Bradford County. Application received: July 19, 2022. For installation of a new dust collector and HEPA filter to replace the previously installed dust collector and HEPA filter on the existing Calciner # 4 (Source ID P218) at the Towanda Facility. The Department of Environmental Protection's (Department) review of the information submitted by Global Tungsten & Powders Corp. indicates that the air cleaning devices to be installed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based

on this finding, the Department proposes to issue a plan approval for the proposed installation. The emissions from Calciner #4 after the installation of the new air cleaning device will not exceed 0.01 ton per year of filterable particulate matter or hazardous air pollutants. There will be no change in combustion emissions associated with the calciner's six 0.3 MMBtu/hr gas-fired burners. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: The permittee shall not emit into the outdoor atmosphere total particulate matter from Calciner # 4 in a manner that the concentration in the effluent gas exceeds 0.1 lbs/hr, 0.44 ton/12 CMP, and 0.002 gr/dscf. Calciner # 4 shall only be fired on natural gas. The permittee shall only process tungsten scrap in Calciner # 4 and the tungsten scrap shall not contain any cutting fluids, any volatiles, or any hazardous materials. Additionally, the permittee shall not produce more than 480 lbs/hr of tungsten oxide. The HEPA filter shall have a control efficiency for particulate matter of at least 99.97%. Each fabric collector, dust collector, cartridge collector, and final filter shall be equipped with instrumentation which continuously monitors the pressure drop across the collector and filter and shall monitor the pressure drop across the collector and filter. The Scientific Dust Collector model SPJ-X4RT10 fabric collector shall be equipped with instrumentation to continuously monitor and record the inlet temperature to the collector. The permittee shall record the pressure drop across each collector and filter at least once per operating shift. The permittee shall keep records of the following: a) Supporting calculations which verify compliance with the particulate matter emission limitation and the throughput limitation. b) The pressure drop across the collector and HEPA filter at least once per day. c) The inlet temperature to the fabric collector on a continuous basis. These records shall be kept on site for minimum of five years and shall be presented to the Department upon request. The permittee shall keep on hand sufficient quantity of spare fabric collector bags and filters for all collectors and filters at the facility in order to be able to immediately replace any bag or filter requiring replacement. Any air compressor used to provide compressed air to any of the collectors or filters shall be equipped with an air dryer and an oil trap. Calciner # 4 as well as its associated control devices and monitoring equipment shall be operated and maintained in accordance with the manufacturer's specifications and in a manner consistent with good air pollution control practices for minimizing emissions. Calciner # 4 is a Harper Electric model GU-30D180-RT-18 which incorporates six natural gas-fired burners collectively rated at 1.80 MMBtu/hr of heat input. The particulate matter emissions shall be controlled by the Scientific Dust Collector model SPJX4RT10 fabric collector which incorporates a HEPA filter in its exhaust duct. Additionally, the control devices shall be made of material that is capable of withstanding temperatures of at least 390°F. The air temperature shall not exceed 390°F in the inlet of the fabric collector. The Department reserves the right to establish a pressure drop range for the Scientific Dust Collector model SPJ-X4RT10 fabric collector and HEPA filter upon the issuance of an operating permit. The opacity from the exhaust of the HEPA filter shall not exceed 5%. The particulate matter emissions from the Calciner # 8 dust bin and product bin shall be controlled by a Scientific Dust Collector model SPJ-X4RT10 dust collector followed by a Sure Line Filter Housing model 26L06X04 HEPA filter. These control devices will also

control particulate matter emissions from the Calciner # 4, # 5, and # 7 dust and product bins, the Calciner # 6 product bin, and a tote discharge station. The facility is a State Only facility. If the Department determines that the control devices are installed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 08-00010R, the requirements established in the plan approval will be incorporated into State Only Operating Permit 08-00010 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

26-00495B: Gans Energy LLC, 581 Gans Road, Gans, PA 15439, Springhill Township, **Fayette County**. Application received: August 16, 2021.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 26-00495B to modify wording on existing Operating Permit conditions, as well as add facility-wide emission limitations. The facility includes the following existing equipment: two (2) 424.6 MMBtu/hr combustion gas turbine units, each equipped with water injection systems, and two (2) cooling towers.

There will be no increase of emissions at the facility. Per the most recent Title V Operating Permit renewal (TV-26-00495), potential to emit will not equal or exceed 137 tons of CO, 99.9 tons of NO_x, 13 tons of VOC, 10.0 tons of PM₁₀, 10.0 tons of PM_{2.5}, 7.0 tons of SO₂, 1.0 ton of formaldehyde, 2.0 tons of the sum of all HAPs combined, and 126,531 tons of CO_{2e}.

No new sources were proposed. The Plan Approval does not include physical modification or change in operation, and no emission increases are proposed. As such, a no sources require a revised best available technology (BAT) analysis. The existing facility underwent BAT analysis and met BAT during the initial Plan Approval process.

The facility remains subject to State as well as Federal National Emission Standards including 40 CFR Part 60, GG—Standards of Performance for Stationary Gas Turbines, Parts 72—77—Acid Rain Program requirements, and Part 97, Subparts AAAAA, BBBBB, and CCCCC—CSAPR NO_x and SO₂ Trading Programs and 25 Pa. Code Chapters 121—145. This Plan Approval and the existing Operating Permit have been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. The applicant will be required to submit an administrative amendment application to roll the Plan Approval into the Title V Operating Permit in accordance with 25 Pa. Code Subchapter F.

The Plan Approval Application, the Department's Air Quality Review Memorandum, the proposed Air Quality Plan Approval, and other relevant information for this project are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of

the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Laura Dickson, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; ldickson@pa.gov; or fax 412.442.4098. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-26-00495B) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Laura S. Dickson, Environmental Engineer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to ldickson@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication.

OPERATING PERMITS

Notice of Intent to Issue 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.

14-00002, Graymont (PA), Inc., 375 Graymont Road, Bellefonte, PA 16823, Benner Township and Spring Township, **Centre County**. Application received: May 18, 2022. For a significant permit modification to the Title V operating permit for their Pleasant Gap, Bellefonte & Con-Lime sites in Spring and Benner Township, Centre County. The facility's main sources include lime manufacturing kilns No. 6, 7 and 8 as well as the material handling, conveyance and other processing operations that support the kilns. The type and quantity of pollutants emitted on a facility-wide potential emission basis is estimated, as follows: NO_x—1,067.9 tons per year (tpy), CO—913.5 tpy, SO_x (as SO₂)—302.6 tpy, PM_{2.5}—156 tpy, VOCs—< 50 tpy, HAPs (HCl)—118.26 tpy, GHG (as CO₂)—1,000,000 tpy, 225 tpy for PM₁₀, and 350 tpy for PM (particulate matter). The company has applied to renew the PAL at the current level of 302.6 TPY. In accordance with the necessary PAL permit application and other documentation submitted by the company, the Department has preliminarily determined that the information justifies maintaining the PAL at its current rate or level pursuant to 40 CFR 52.21(aa)(10)(iv)(a). Accordingly, the Title V permit revisions incorporate all applicable requirements for the PAL permit renewal to estab-

lish compliance pursuant to 40 CFR 52.21(aa)(1)–(15). All emission units that emit or have potential to emit will be subject to SO₂ PAL permit renewal requirements. As the facility is located in an area designated as attainment/unclassifiable the applicable requirements for SO₂ PAL permit renewal are derived from 25 Pa. Code Chapters 121 and 145, specifically Chapter 127, subchapter D, relating to Prevention of Significant Deterioration. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6328.

37-00013, CEMEX Wampum Cement Plant, 2001 Portland Park, Wampum, PA 16157-3913, Wampum Borough, **Lawrence County**. Application received: September 1, 2021. In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the Portland cement production operations. The facility is currently operating as a transfer station and is undergoing new source review for the reactivation of the cement operations (plan approval 37-00013G). The facility is a major facility due to its potential to emit PM₁₀. Potential emissions of the primary pollutants are as follows: 104.86 TPY PM₁₀, 55.28 TPY PM_{2.5}, and the rest of the pollutants less than 1 TPY. The facility is subject to 40 CFR 63 Subpart LLL, NESHAP from the Portland Cement Manufacturing Industry. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration, 215-685-9426.

OP20-000055, Temple University-Main Campus, 1009 West Montgomery Avenue, City of Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Application received: October 22, 2020. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal of the Title V/State Operating Permit (TVOP) for the operation of a university facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources are seven (7) boilers in the Central Steam Plant with the ability to burn natural gas and No. 2 oil each rated between 41.24 MMBtu/hr and 91.3 MMBtu/hr, six (6) boilers with the ability to burn natural gas and No. 2 oil each rated 9.9 MMBtu/hr or less, five (5) boilers and four (4) heaters with the ability to burn natural gas each rated 3.5 MMBtu/hr or less, ten (10) standby electric generators firing natural gas, each with two engines and two oxidation catalysts and each rated 2250 BHP, thirty-four (34) emergency generators firing No. 2 oil/diesel, of which twenty (20) rated between 201 HP and 1,588 HP, and fourteen (14) rated 197 HP or less, eleven (11) emergency generators firing natural gas each rated 300 kW or less, five (5) fire pumps firing No. 2 oil/diesel, of which one (1) rated 751 HP, and four (4) rated 170 HP or less, twelve (12) glass processing units including

burners, kilns, and furnaces firing natural gas each rated 1.537 MMBtu/hr or less, and twelve (12) insignificant emergency generators. The facility is a major source of Nitrogen Oxides (NO_x). The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426. Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments, or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

36-05003, Carmeuse Lime Incorporated, 3 Clear Spring Road, Annville, PA 17003, North Londonderry Township, **Lebanon County**. Application received: March 24, 2022. For the operation of the Millard Lime plant. The facility's reported AIMS emissions for 2016 were 315.97 tons of CO, 225.94 tons of NO_x, 191.30 tons of SO_x, 20.85 tons of PM₁₀, 10.32 tons of PM_{2.5}, and 0.9 ton of VOCs. 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 §§ 129.96–129.100, 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and 40 CFR Part 63, 40 CFR Part 63, Subpart AAAAA for Lime Manufacturing Plants.

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.

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

Contact: 570-826-2409.

45-00004, US Dept Defense/Tobyhanna Army Depot, 11 Hap Arnold Blvd, Tobyhanna, PA 18466-5002, Coolbaugh Township, **Monroe County**. Application received: April 28, 2022. The Department intends to issue a renewal State-Only (Synthetic) Minor Permit for the manufacturing of Electrical Equipment and Supplies facility located in Coolbaugh Township, Monroe County. The sources at this facility consists of a (7) boilers, (29) emergency generators, and spray booths. The control devices consist of panel filters. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring,

recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00092, RAD MFG LLC/Nescopeck, P.O. Box 531, Nescopeck, PA 18635-0531, Nescopeck Borough, **Luzerne County**. Application received: March 2, 2022. The Department intends to issue a renewal State-Only (Natural) Minor Permit for the manufacturing of Hardwood Dimension and Flooring Mills facility located in Nescopeck Borough, Luzerne County. The sources at this facility consists of a wood fired boiler, a silo, and grinders. The control devices consist of baghouses and collectors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00049, ACME Cryogenics/Allentown Plant, 2801 Mitchell Ave, Allentown, PA 18103-7111, City of Allentown, **Lehigh County**. Application received: March 15, 2022. The Department intends to issue a renewal State-Only (Natural) Minor Permit for the manufacturing of Fabricated Pipe and Fittings facility located in Allentown City, Lehigh County. The sources at this facility consists of copper & brass dipping operations, and brazing operation. The control device is a fume scrubber. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00120, Cargill Cocoa & Chocolate/Hazle Township, 400 Stoney Creek Rd, Hazle Township, PA 18202-9722, Hazle Township, **Luzerne County**. Application received: May 18, 2022. The Department intends to issue a renewal State-Only (Synthetic) Minor Permit for the manufacturing of Chocolate and Cocoa Products facility located in Hazle Township, Luzerne County. The sources at this facility consists of a boiler and loadout processes. The control devices consist of baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

13-00015, Arfan Inc/Palmerton, 525 Delaware Ave, Palmerton, PA 18071, Palmerton Borough, **Carbon County**. Application received: September 9, 2022. The Department intends to issue a renewal Operating Permit for their funeral home and funeral services facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

54-00095, Pine Creek Structures Inc., 42 Quaker Dr., Hegins, PA 17938, Hubley Township, **Schuylkill**

County. Application received: September 22, 2022. The Department intends to issue a renewal Operating Permit for their prefabricated wood building and components manufacturing facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

64-00007, Hanson Aggregates PA LLC, 7660 Imperial Way, Allentown, PA 18195, Lake Township, **Wayne County**. Application received: September 22, 2022. The Department intends to issue a renewal Operating Permit for their Lake Ariel Quarry. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

64-00018, Lake Region Crematorium LLC, 143 Gravity Rd, Lake Ariel, PA 18436, Lake Township, **Wayne County**. Application received: September 7, 2022. The Department intends to issue a renewal Operating Permit for their Lake Region Crematorium at James Wilson Funeral Home. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00018, Stanley Vidmar Inc., 11 Grammes Road, Allentown, PA 18103, City of Allentown, **Lehigh County**. Application received: July 6, 2022. The Department intends to issue a renewal Operating Permit for their fabricated metal product manufacturing facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

54-00001, Guilford Mills Inc., 1 Penn Dye Street, Pine Grove, PA 17963, Pine Grove Borough, **Schuylkill County**. Application received: September 9, 2022. The Department intends to issue a renewal Operating Permit for their textile and fabric finishing mills facility. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

20-00256, Weaber, Inc., Choicewood, Titusville Mill, 1231 Mount Wilson Road, Lebanon, PA 17042-4785, Oil Creek Township, **Crawford County**. Application received: November 8, 2021. The Department intends to issue the renewal of the State-Only Operating Permit of a woodworking facility which produces moldings and S4S boards from hardwood lumbers. Permitted sources at the facility are the various woodworking operations controlled by 2 baghouses, silo-to-truck transfer of sawdust, a degreaser, and miscellaneous natural gas combustion. With potential emissions of 5.85, 0.44, 0.09, 0.023, and 0.003 TPY for PM, NO_x, CO, VOC, and SO_x, respectively,

the facility is a Natural Minor. None of the permitted sources are subject to MACT. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00987, Hanes Erie, Inc., 7601 Klier Drive, Fairview, PA 16415, Fairview Township, **Erie County**. Application received: November 30, 2021. The Department intends to issue a renewal of a State Only Operating Permit to Hanes Erie, Inc., for the facility. The facility is a Synthetic 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 Total 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.

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**. Application received: June 16, 2022. To issue a State-Only Operating Permit for the recyclable mailer production lines. Potential emissions from the operations are estimated to be 46.4 tpy of VOCs and 6.2 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.77.

06-03114, WER Corp, dba Alum Alloys, 4601 Penn Avenue, Sinking Spring, PA 19608, Lower Heidelberg Township, **Berks County**. Application received: March 30, 2022. For the operation of an aluminum foundry. Potential emissions from the facility are 2.3 tpy of CO, 13.8 tpy of NO_x, 51.4 tpy of PM₁₀, 3.7 tpy of SO_x and 8.0 tpy of VOC. The State-Only Operating Permit will include visible 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 40 CFR Part 63, Subpart ZZZZZZ for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

38-03007, Evans Eagle Burial Vaults Inc., 15 Graybill Road, Leola, PA 17540, Heidelberg Township, **Lebanon County**. Application received: July 12, 2022. To issue a State-Only Operating Permit for their three (3) human crematories. The potential emissions from the facility are estimated at 9.2 tpy of NO_x, 11.6 tpy of CO, 5.7 tpy of PM, 2.0 tpy of SO_x and 2.8 tpy of TOC. 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.

06-03186, Pregis EverTec, 9024 Old Route 22, Bethel, PA 19507, Bethel Township, **Berks County**. Application received: November 3, 2021. To issue a State-Only Operating Permit for the operation of two paper mailer production lines. The potential emissions from the facility

are estimated at 24 tons per year 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 § 129.77.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

46-00014, Knoll, Inc., 1235 Water Street, East Greenville, PA 18041, Upper Hanover Township, **Montgomery County**. Application received: February 16, 2022. This action is for the renewal of a synthetic minor operating permit. Knoll, Inc. (Knoll) is a furniture manufacturing plant located in Upper Hanover Township, Montgomery County; SIC Code 2521: Manufacturing—Wood Office Furniture; NAICS Code 337211. The facility is considered a Synthetic Minor because facility-wide potential to emit Volatile Organic Compound (VOC) and Nitrogen Oxide (NO_x) emissions are less than major source threshold levels after operating restrictions. The facility is an area (minor) source for Hazardous Air Pollutant (HAP) emissions; facility wide HAP emissions are capped to less than 10 tons per year individual HAP and less than 25 tons per year, any combination of HAP. The metal furniture surface coating requirements of 25 Pa. Code § 129.52a and the adhesive requirements of 25 Pa. Code § 129.77 apply to operations at Knoll. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

63-00994, Hydro Recovery LP, 572 State Route 18, Burgettstown, PA 15021, Hanover Township, **Washington County**. Application received: January 10, 2022.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue a Natural Minor State-Only Operating Permit for Hydro Recovery, LP's oil and gas wastewater treatment facility.

Sources of emissions consist of two (2) 1.0 MMgal HTDSF tanks, one (1) 1.1 MMgal HTDSF tank, three (3) 3.0 MMgal HSF tanks, two (2) 18,000-gal surge tanks, one (1) 17,000 half-round tank, one (1) 5,000-gal concentrate tank, one (1) 18,000-gal wet well tank, and one (1) 24-bhp backup trash pump. All storage tanks are controlled by carbon canisters except for the two (2) surge tanks and half-round tank. The facility-wide potential-to-emit is less than 2.7 TPY VOC, 1.0 TPY total HAP, 0.5 TPY of any single HAP, and less than 1.0 TPY for all other criteria pollutants. The proposed air quality operating permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be

considered prior to the issuance of the Natural Minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00994) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

All comments must be received prior to the close of business 30 days after the date of this publication.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

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—72.123 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.

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. 61120107. NPDES No. PA0259331. Hillside Stone, LLC, 4080 Sandy Lake Road, Sandy Lake, PA 16145, Irwin Township, **Venango County**. Renewal of an existing bituminous surface mine. Application received: October 19, 2022.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, Clerical Assistant 2, 724-925-5513.

Mining Permit No. 65150101. PA0278238. Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658, Ligonier Borough, **Westmoreland County**. Renewal application for continued mining of an existing bituminous surface mine, affecting 339.9 acres. Receiving streams: UNTs to Mill Creek and UNTs to Coalpit Run, classified for the following use: HQ-CWF. There is no potable water supply with 10 miles downstream from the point of discharge. Application received: October 19, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 40763204. GP12 No. GP12-40763204. Northampton Fuel Supply Co., Inc., 1 Horwith Drive, Northampton, PA 18067, Newport Township, **Luzerne County**. Application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12. Application received: October 7, 2022.

Mining Permit No. 54803004. Rausch Creek Land, LP, 978 Gap Street, Valley View, PA 17983, Hegins Township and Porter Township, **Schuylkill County**. Correction to update the post-mining land use and contour of an anthracite surface mine operation affecting 214.0 acres. Receiving streams: East Branch Rausch Creek and Good Spring Creek, classified for the following use: CWF. Application received: October 18, 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.

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. PA0224162. Mining Permit No. 28010302. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202, Antrim Township, **Franklin County**. Renewal of an NPDES permit. Affecting 48.7 acres. Receiving stream: unnamed tributary to Muddy Run classified for the following use: CWF. Application received: August 22, 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 Muddy Run:

| <i>Outfall Number</i> | <i>New or Existing</i> | <i>Type</i> | <i>Discharge Rate</i> |
|-----------------------|------------------------|-------------|-----------------------|
| 001 | Existing | SWO | Precipitation Induced |
| 003 | Existing | SWO | Precipitation Induced |

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

| <i>Outfalls 001 and 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 |
| <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 |
| Total Acidity (mg/L) | XXX | XXX | XXX | Report |

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Contact: RA-EPEASTERNOPRG@pa.gov.

E5929222-008. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Osceola Township, **Tioga County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 7, 2022.

To construct, operate and maintain an additional 9.15 acres of PFO, PSS and PEM wetland creation/enhancement will temporarily impact 6.14 acres of PEM and PFO wetlands at the Camp Brook Mitigation Site. (Elkland, PA Quadrangle, Latitude: 41.99200°, Longitude: -77.32750°). This project is in addition to impacts from permit number E5929221-006 which provides for 54.15 acres of wetland creation. This project is the mitigation site for the *Chesapeake Audit and Consent Decree United States, et al. v. Chesapeake Appalachia, LLC*, Civil Action No. 4:21-00538-MWB, all for the purpose of establishing a mitigation site for permanent wetland and stream impacts that occurred during well pad construction for Marcellus well development.

E4129222-012. Beech Resources LLC, 343 Pine Street, Suite 1, Williamsport, PA 17701, Lycoming Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 18, 2022. To construct, operate and maintain approximately

1.9 miles of co-located underground 16-inch diameter steel natural gas pipeline and 16-inch diameter polyethylene water pipeline, along with 1.9 miles of temporary aboveground 16-inch diameter polyethylene water pipeline, and the use of a 0.25-mile existing access road. The gas pipeline will transfer gas from the proposed Delta Well Pad to the existing ISA Well Pad and connect to existing natural gas transmission infrastructure. The water pipelines will transfer freshwater and production

water during well development. The project will result in a total of 31 LF (386 SF) of permanent and 54 LF (644 SF) of temporary stream impacts, 1,455 SF (0.0334 acre) of permanent and 2,294 SF (0.0527 acre) of temporary floodway impacts and 1,235 SF (0.0284 acre) of permanent and 2,992 SF (0.0687 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 Area Temp. (SF)</i> | <i>Impact Length Temp. (LF)</i> | <i>Impact Area Perm. (SF)</i> | <i>Impact Length Perm. (LF)</i> | <i>Lat. Long.</i> |
|--------------------------|--------------------------------|-----------------------|-----------------|---------------------|-------------------------------|---------------------------------|-------------------------------|---------------------------------|------------------------|
| Stream A UNT Beautys Run | Lycoming Cogan Station | Pipelines & Workspace | WWF | None | 29 | 88 | 3 | 12 | 41.28450° 77.11675° |
| Stream B UNT Beautys Run | Lycoming Cogan Station | Pipelines & Workspace | WWF | None | | | 25 | 287 | 41.28356° 77.10411° |
| Stream C UNT Beautys Run | Lycoming Cogan Station | Pipelines & Workspace | WWF | None | 25 | 556 | 3 | 87 | 41.28250° 77.10250° |
| TOTAL IMPACTS | | | | | 54 | 664 | 31 | 386 | |

Wetland Impact Table:

| <i>Resource Name</i> | <i>Municipality Quadrangle</i> | <i>Activity</i> | <i>Cow. Class</i> | <i>Listed Trout</i> | <i>Impact Area Temp. (SF)</i> | <i>Impact Length Temp. (LF)</i> | <i>Impact Area Perm. (SF)</i> | <i>Impact Length Perm. (LF)</i> | <i>Lat. Long.</i> |
|----------------------|--------------------------------|-----------------------|-------------------|---------------------|-------------------------------|---------------------------------|-------------------------------|---------------------------------|------------------------|
| Wetland B | Lycoming Cogan Station | Pipelines & Workspace | PEM; EV | None | 100 | 2,992 | 235 | 312 | 41.28450° 77.11675° |
| Wetland E-1 | Lycoming Cogan Station | Pipelines & Workspace | PEM; EV | None | | | 70 | 528 | 41.28361° 77.10414° |
| Wetland E3 | Lycoming Cogan Station | Pipelines & Workspace | PFO; EV | None | | | 44 | 394 | 41.28361° 77.10414° |
| TOTAL IMPACTS | | | | | 100 | 2,992 | 349 | 1,235 | |

Floodway Impact Table:

| <i>Resource Name</i> | <i>Municipality Quadrangle</i> | <i>Activity</i> | <i>Impact Area Temp. (SF)</i> | <i>Impact Length Temp. (LF)</i> | <i>Impact Area Perm. (SF)</i> | <i>Impact Length Perm. (LF)</i> | <i>Lat. Long.</i> |
|--------------------------|--------------------------------|-----------------------|-------------------------------|---------------------------------|-------------------------------|---------------------------------|------------------------|
| Stream A UNT Beautys Run | Lycoming Cogan Station | Pipelines & Workspace | 89 | 2,294 | 266 | 347 | 41.28450° 77.11675° |
| Stream B UNT Beautys Run | Lycoming Cogan Station | Pipelines & Workspace | | | 39 | 1,108 | 41.28356° 77.10411° |
| TOTAL IMPACTS | | | 89 | 2,294 | 305 | 1,455 | |

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

Contact: Pete Geanacopoulos, Project Manager, 570-327-3701.

E5704221-003. Elkland Township, 909 Kobbé Road, Forksville, PA 18616, Elkland Township, Sullivan County. U.S. Army Corps of Engineers Baltimore District. Application received: October 17, 2022.

This is a major amendment. The applicant wishes to construct an additional 112 linear feet of R-8 rock protection along UNT Elk Creek (EV, MF). Latitude: 41° 33' 56.5", Longitude: -76° 38' 29.7".

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: RA-EPWW-NERO@pa.gov.

E5802122-001. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Great Bend Borough, New Milford Borough, Great Bend Township, and New Milford Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 23, 2022.

To authorize the following water obstructions and encroachments associated with the SR 0081 Section 511 Project. The proposed project is located along SR 0081 and extends from the PA/NY border to Exit 223 for approximately 9 miles. (Franklin Forks, Great Bend and Hartford, PA Quadrangle, Latitude: 41.872703; Longitude: -75.720039 to Latitude: 41.997753; Longitude: -75.752269 in Great Bend and New Milford Boroughs and Great Bend and New Milford Townships, Susquehanna County.) Latitude: 41.872703 to 41.997753°, Longitude: -75.720039 to -75.752269°.

E5202222-001. Pike County Commissioners, 506 Broad Street, Milford, PA 18337, Dingman Township, **Pike County**. U.S. Army Corps of Engineers Philadelphia District. Application received: October 7, 2022.

To construct and maintain a bridge replacement conveying flow for Rattlesnake Creek (HQ-CWF, MF) consisting of a single 36.0-foot span, 31-foot long precast three-sided concrete frame bridge on concrete spread footings. The replacement structure will include appurtenant features such as a concrete headwall, upstream and downstream wingwalls and R-8 riprap scour protection. Approximately 0.01 acre of permanent EV wetland impacts are associated with this project. Edgemere, PA Quadrangle Latitude: 41° 21' 49", Longitude: -74° 57' 54" in Dingman Township, Pike County.

E3902222-004. Reynolds Acquisitions L.P., 404 Sumneytown Pike, North Wales, PA 19454, Coopersburg Borough, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 16, 2022.

To permanently impact 0.17 of emergent wetlands for the construction of a residential development. The project is located in the Coopersburg Borough, Lehigh County. Latitude: 40° 30' 35", Longitude: -75° 23' 56".

F4002222-001. Plymouth Township, P.O. Box 1909, Kingston, PA 18704, Plymouth Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 14, 2022.

To demolish and remove structures located on the following sites in the floodplain and floodway of the Susquehanna River and Harveys Creek through the Wyoming Valley Levee Raising Project—Mitigation Program. Sites will be restored and stabilized to open space. Sites are owned by the Luzerne County Flood Protection Authority (LCFPA) and are in Plymouth Township, Luzerne County. Latitude: 41° 13' 21.10" to 41° 13' 21.76", Longitude: -76° 0' 52.02" to -76° 0' 57.03".

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E4206222-006. Pennsylvania American Water, 203 Sycamore Street, Punxsutawney, PA 15767, Kane Borough and Wetmore Township, **McKean County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: September 30, 2022.

Linear utility project. Proposing replacement of approximately 9,000 LF of 12" ductile iron waterline and 1,300 LF 8" sanitary sewer along various roads in Kane Borough and Wetmore Township. Installation will be by open cut trenching and horizontal boring. Project includes 4 stream crossing and 4 wetland crossings impacting Tributary 56603 to Hubert Run (CWF). Three crossing have drainages of >100 acres. Entire project is in a Trout Natural Reproduction watershed. All impacted wetlands are Exceptional Value. Propose 0.03 acre temporary impact to wetlands. Propose 0.08 acre temporary impact to streams. Limit of disturbance is 2.1 acres and the NPDES boundary is 4.2 acres. Latitude: 41.67161°, Longitude: -78.8043°.

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

Contact: D. J. Stevenson, 412-442-4281.

E3007222-003. CNX Midstream Operating Company, LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317, Morris Township, **Greene County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: August 31, 2022. Latitude: 39.963355°, Longitude: -80.287465°. CNX Midstream Operating Company, LLC is proposing to stabilize and correct the underlying causes of a slope failure along the existing Deerlick to Iams natural gas pipeline right-of-way. (39.963355, -80.287465). CNXM proposes to remove the slope failure mass along the eastern bank of Trib. 40564 to Browns Creek and stabilize the existing slope through typical earthwork construction practices and subsurface drainage installation. The subsurface drainage installation will require permanent impacts to a wetland and an ephemeral stream channel on site. The slope will be reconstructed to approximate preexisting grades. Wetland mitigation is proposed at the First Pennsylvania Resource, LLC, Laurel Hill Creek Mitigation Bank (MB990556-0001). The project is located within the Rogersville USGS 7 1/2 Minute Quadrangle Map.

| <i>Resource</i> | <i>Resource Type</i> | <i>Activity Type</i> | <i>Permanent Direct (acres)</i> | <i>Temporary Direct (acres)</i> | <i>Permanent Indirect (acres)</i> | <i>Temporary Indirect (acres)</i> |
|-------------------------------------|----------------------|--|---------------------------------|---------------------------------|-----------------------------------|-----------------------------------|
| Wetland 1 | PEM/PFO (Other) | Excavation and drain installation | 0.072 | 0.052 | — | — |
| UNT 2 to Trib 40564 to Browns Creek | HQ-WWF | Conversion to vegetated drainage channel | 0.006 (125 LF) | — | — | — |

| <i>Resource</i> | <i>Resource Type</i> | <i>Activity Type</i> | <i>Permanent Direct (acres)</i> | <i>Temporary Direct (acres)</i> | <i>Permanent Indirect (acres)</i> | <i>Temporary Indirect (acres)</i> |
|--|----------------------|--|---------------------------------|---------------------------------|-----------------------------------|-----------------------------------|
| UNT 2 to Trib 40564 to Browns Creek Floodway | | Loss of floodway due to channel conversion | 0.146 | — | — | — |
| Trib 40564 to Browns Creek | HQ-WWF | Temporary diversion (stream bypass) | — | 0.034 | — | — |
| Trib 40564 to Browns Creek Floodway | | Temporary regrading | — | 0.470 | — | — |

Contact: Dana Drake, Program Manager, 412-442-4000.

E5605222-003. Stonycreek Township, 120 Municipal Road, Friendsens, PA 15541, Stonycreek Township, **Somerset County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: August 11, 2022.

The applicant proposes to: Place and maintain fill within the Yonai Road township right of way and floodplain of Stonycreek River (CWF), utilizing a french stone mattress, and to construct and maintain twelve 12" diameter smooth culverts across the roadway and within the aforementioned floodplain for the purpose of widening and raising the roadbed elevation for continued use during and after storm events. The project will permanently impact 0.28 acre of floodplain to Stonycreek River. The project site is located on Yonai Road approximately 50-feet east of the Stonycreek River. Latitude: 39° 59' 05", Longitude: -78° 54' 47".

E0205222-003. Duquesne Light, 2841 New Beaver Ave, Pittsburgh, PA 15223, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: February 4, 2022.

The applicant proposes to: Construct, operate and maintain streambank protection in front of an approximately 100-foot existing sheet pile wall that will remain to provide additional support. The sloped stream bank projection will include a 67 linear feet section of riprap, and an adjacent 36 linear feet section of Fabriform concrete bags. Construct, operate and maintain a 27 linear foot gabion wall with a maximum exposed height of 5 feet will be installed to protect existing features associated with the updating of existing facilities, including removing and replacing secondary containment for the existing transformer pad. Cumulatively, the upgrades will impact 0.092 acre of Saw Mill Run's (WWF) floodplain. For the purpose of permanently stabilizing the existing bank that was subject to erosive flows during recent periods of high velocities. The total length of permanent impact to the left descending bank of Saw Mill Run (WWF) is 103 linear feet. Duquesne Light Company was previously granted an emergency permit (EP0205221-024) on November 14, 2021, for temporary stabilization of the existing sheet pile wall, with R-6 riprap. The previously installed R-6 riprap will be removed and replaced with the aforementioned slope stream bank protection. The project site is located in the West End neighborhood of Pittsburgh, between McKnight Street and Saw Mill Run Boulevard. Latitude: 40° 26' 6.26", Longitude: -80° 1' 57.54".

E0205222-015. Sewickley Academy, 315 Academy Avenue, Sewickley, PA 15143, Edgeworth Borough, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 9, 2022.

The applicant proposes to: 1. Remove approximately 233,950 square feet of existing sports buildings, fields, courts, gravel parking lot and a single-family residence and to construct, operate and maintain the installation of a new indoor training facility, synthetic turf soccer/lacrosse and baseball stadiums and bleacher structures, field house, concessions, playground, and storage facility with associated utilities and stormwater management, which will temporarily impact 81,600 square feet and permanently impact 43,418 square feet of Little Sewickley Creek's (HQ-TSF) floodway. For the purpose of updating the existing sports complex at Sewickley Academy. The project site is located at 624 Beaver Road, Sewickley, PA. Latitude: 40° 33' 30", Longitude: -80° 11' 50".

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> |
|---------------------------|-------------------------------------|---------------------|---|---|-------------------|
| PA0229067 | CAFO Individual NPDES Permit | Issued | Murmac Farms LLC 2336 Zion Road Bellefonte, PA 16823-6704 | Spring Township Centre County | SCRO |
| PA0262013 | CAFO Individual NPDES Permit | Issued | King Kerwin M 375 Forest Manor Road Cochranville, PA 19330-1648 | Upper Oxford Township Chester County | SCRO |
| PAD020035 | Chapter 102 Individual NPDES Permit | Issued | DRI/CA Pittsburgh, LLC 130 E Randolph Street Suite 2100 Chicago, IL 60601-6223 | Pittsburgh City Allegheny 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> |
|---------------------------|---|---------------------|---|--|-------------------|
| PAD180029 | Chapter 102 Individual NPDES Permit | Issued | Wynn Tec, Inc. 70 EJ Commerce Drive Loganton, PA 17747-7107 | Greene Township Clinton County | NCRO |
| PAD350028 | Chapter 102 Individual NPDES Permit | Issued | Lackawanna County 1 Bald Mountain Road Scranton, PA 18504-9789 | Dunmore Borough Elmhurst Township Roaring Brook Township Lackawanna County | NERO |
| PAD450160 | Chapter 102 Individual NPDES Permit | Issued | PA DOT Engineering District 50 1002 Hamilton Street Allentown, PA 18101 | Hamilton Township Stroud Township Monroe County | NERO |
| PAD460069 | Chapter 102 Individual NPDES Permit | Issued | PA Turnpike Comm 700 S Eisenhower Boulevard Middletown, PA 17057-5529 | Franconia Township Montgomery County | SERO |
| PAD480166 | Chapter 102 Individual NPDES Permit | Issued | Farmstead Realty Holdings, LLC 530 E 3rd Street Bethlehem, PA 18015-1314 | Plainfield Township Northampton County | NERO |
| PA0284955 | Industrial Stormwater Individual NPDES Permit | Issued | Gold Bond Bldg Products, LLC 2001 Rexford Road Charlotte, NC 28211-3415 | Shippingport Borough Beaver County | SWRO |
| 2322806 | Joint DEP/PFBC Pesticides Permit | Issued | Hobbs Janice 16 Dogwood Hill Lane Chadds Ford, PA 19317-9106 | Chadds Ford Township Delaware County | SERO |
| 2322807 | Joint DEP/PFBC Pesticides Permit | Issued | CBRE 1 State Farm Drive Glen Mills, PA 19342-1077 | Concord Township Delaware County | SERO |
| PAI132279 | MS4 Individual NPDES Permit | Waived | Mahoning Township Carbon County 2685 Mahoning Drive E Lehighton, PA 18235-9723 | Mahoning Township Carbon County | NERO |
| PA0025933 | Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit | Issued | Lock Haven City Clinton County 20 E Church Street Lock Haven, PA 17745-2527 | Lock Haven City Clinton County | NCRO |
| PA0058742 | Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit | Issued | Warminster Municipal Authority Bucks County P.O. Box 2279 415 Gibson Avenue Warminster, PA 18974-0147 | Warminster Township Bucks County | SERO |
| PA0014605 | Minor Industrial Waste Facility without ELG Individual NPDES Permit | Issued | Veolia Water PA, Inc. 6310 Allentown Boulevard Suite 104 Harrisburg, PA 17112-2739 | Fairview Township York County | SCRO |
| PA0032409 | Minor Industrial Waste Facility without ELG Individual NPDES Permit | Issued | PA DCNR 4205 Little Pine Creek Road Waterville, PA 17776-9608 | Chapman Township Clinton County | NCRO |
| PA0054089 | Minor Industrial Waste Facility without ELG Individual NPDES Permit | Issued | Limerick Aviation LP 600 Horizon Drive Chalfont, PA 18914 | Limerick Township Montgomery County | SERO |

NOTICES

6909

| <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> |
|---------------------------|--|---------------------|---|---|-------------------|
| PA0035025 | Minor Sewage Facility < 0.05 MGD Individual NPDES Permit | Issued | Western Wayne School District 1970 Easton Turnpike Building C Lake Ariel, PA 18436-4661 | South Canaan Township Wayne County | NERO |
| PA0095303 | Minor Sewage Facility < 0.05 MGD Individual NPDES Permit | Issued | Purchase Line School District 16559 Route 286 Highway E Commodore, PA 15729-8309 | Green Township Indiana County | NWRO |
| PA0203696 | Minor Sewage Facility < 0.05 MGD Individual NPDES Permit | Issued | South Side Area School District 4949 State Route 151 Hookstown, PA 15050-1439 | Greene Township Beaver County | SWRO |
| PA0203891 | Minor Sewage Facility < 0.05 MGD Individual NPDES Permit | Issued | Western Area Career & Tech Center 688 Western Avenue Canonsburg, PA 15317-1477 | Chartiers Township Washington County | SWRO |
| PA0082694 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | East St Clair Township Municipal Authority Bedford County P.O. Box 55 Fishertown, PA 15539-0055 | East Saint Clair Township Bedford County | SCRO |
| PA0082732 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | East St Clair Township Municipal Authority Bedford County P.O. Box 55 Fishertown, PA 15539-0055 | East Saint Clair Township Bedford County | SCRO |
| PA0088226 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | South Woodbury Township Bedford County 125 North Road New Enterprise, PA 16664-9121 | South Woodbury Township Bedford County | SCRO |
| PA0110469 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | Patton Borough Cambria County P.O. Box 175 800 4th Avenue Patton, PA 16668-0175 | Elder Township Cambria County | SWRO |
| PA0253472 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | Hanover Township Sewer Authority Washington County 533 Bavington Road Burgettstown, PA 15021-2734 | Hanover Township Washington County | SWRO |
| NOEXNE043 | No Exposure Certification | Issued | FedEx Supply Chain 3025 Commerce Center Boulevard Bethlehem, PA 18015-9547 | Bethlehem City Northampton County | NERO |
| PAG030092 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | Glynneath LP 800 N Wales Road North Wales, PA 19454 | Upper Gwynedd Township Montgomery County | SERO |
| PAR216175 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | McDanel Adv Ceramic Tech LLC 160 Federal Street Floor 23 Boston, MA 02110-1700 | Beaver Falls City Beaver 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> |
|---------------------------|--|---------------------|--|---|-------------------|
| PAG046309 | PAG-04 NPDES General Permit for Small Flow Treatment Facilities | Issued | Marker Anthony C 840 Pioneer Road Rockwood, PA 15557-7111 | Milford Township Somerset County | SWRO |
| PAG046311 | PAG-04 NPDES General Permit for Small Flow Treatment Facilities | Issued | Rocksauce Operations, LLC 1851 North Road McDonald, PA 15057 | North Fayette Township Allegheny County | SWRO |
| PAG058403 | PAG-05 NPDES General Permit for Groundwater Cleanup | Issued | Allegheny Pit Stop, LLC 306 S Main Street Sheffield, PA 16347-2463 | Sheffield Township Warren County | NWRO |
| PAG133502 | PAG-13 NPDES General Permit for MS4s | Waived | Bally Borough Berks County 425 Chestnut Street P.O. Box 217 Bally, PA 19503-9614 | Bally Borough Berks County | SCRO |
| PAG133583 | PAG-13 NPDES General Permit for MS4s | Waived | Dover Borough York County 46 Butter Road Dover, PA 17315 | Dover Borough York County | SCRO |
| PAG133622 | PAG-13 NPDES General Permit for MS4s | Waived | Lancaster County 150 N Queen Street Suite 612 Lancaster, PA 17603-3994 | Lancaster City Lancaster County | SCRO |
| PAG133624 | PAG-13 NPDES General Permit for MS4s | Waived | Lewisberry Borough York County P.O. Box 172 Lewisberry, PA 17339-0172 | Lewisberry Borough York County | SCRO |
| PAG133626 | PAG-13 NPDES General Permit for MS4s | Waived | Lower Windsor Township York County 2425 Craley Road Wrightsville, PA 17368-8922 | Lower Windsor Township York County | SCRO |
| PAG133648 | PAG-13 NPDES General Permit for MS4s | Waived | Pequea Township Lancaster County 1028 Millwood Road Willow Street, PA 17584-9375 | Pequea Township Lancaster County | SCRO |
| PAG133687 | PAG-13 NPDES General Permit for MS4s | Waived | New Salem Borough York County P.O. Box 243 York New Salem, PA 17371-0243 | New Salem Borough York County | SCRO |
| PAG133732 | PAG-13 NPDES General Permit for MS4s | Waived | Mount Pleasant Township Adams County 1035 Beck Road Gettysburg, PA 17325 | Mount Pleasant Township Adams County | SCRO |
| PAG136228 | PAG-13 NPDES General Permit for MS4s | Waived | Bridgewater Borough Beaver County 199 Boundry Lane Bridgewater, PA 15009 | Bridgewater Borough Beaver County | SWRO |
| PA0264245 | Single Residence STP Individual NPDES Permit | Issued | Carlson Howard 1523 Valentine Run Road Russell, PA 16345-3005 | Farmington Township Warren County | NWRO |
| PA0264792 | Single Residence STP Individual NPDES Permit | Issued | John and Paula Patton 4261 Harborgreene Road Erie, PA 16510 | Greene Township Erie County | NWRO |
| PA0290831 | Single Residence STP Individual NPDES Permit | Issued | Martin Christine 4821 Old State Road McKean, PA 16426-2246 | Washington Township Erie County | NWRO |

NOTICES

6911

| <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> |
|---------------------------|---|---------------------|--|--|-------------------|
| PA0290882 | Single Residence STP Individual NPDES Permit | Issued | Kathy and Thomas Waskiewicz 7100 Old Meadville Road Union City, PA 16438-5844 | Le Boeuf Township Erie County | NWRO |
| PA0290904 | Single Residence STP Individual NPDES Permit | Issued | Bryan and Tamara Gromacki SRSTP 3229 Harvard Road Erie, PA 16508-2146 | Millcreek Township Erie County | NWRO |
| PA0290939 | Single Residence STP Individual NPDES Permit | Issued | Santell David 1603 Shadow Court Scott Air Force Base, IL 62225-6302 | Greene Township Mercer County | NWRO |
| PA0290955 | Single Residence STP Individual NPDES Permit | Issued | Deliman Donald 1984 Buxton Road Titusville, PA 16354-7402 | Cherrytree Township Venango County | NWRO |
| 2522417 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Martin Christine 4821 Old State Road McKean, PA 16426-2246 | Washington Township Erie County | NWRO |
| 2522419 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Kathy and Thomas Waskiewicz 7100 Old Meadville Road Union City, PA 16438-5844 | Le Boeuf Township Erie County | NWRO |
| 2522420 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Bryan and Tamara Gromacki SRSTP 3229 Harvard Road Erie, PA 16508-2146 | Millcreek Township Erie County | NWRO |
| 4322406 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Santell David 1603 Shadow Court Scott Air Force Base, IL 62225-6302 | Greene Township Mercer County | NWRO |
| 6122403 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Deliman Donald 1984 Buxton Road Titusville, PA 16354-7402 | Cherrytree Township Venango County | NWRO |
| PA0291650 | Small Flow Treatment Facility Individual NPDES Permit | Issued | Slate Ridge Mennonite School 149 Run Road Carlisle, PA 17015-8947 | North Newton Township Cumberland County | SCRO |
| 0281441 | Small Flow Treatment Facility Individual WQM Permit | Issued | Rocksauce Operations LLC 1851 North Road McDonald, PA 15057 | North Fayette Township Allegheny County | SWRO |
| 2122404 | Small Flow Treatment Facility Individual WQM Permit | Issued | Slate Ridge Mennonite School 149 Run Road Carlisle, PA 17015-8947 | North Newton Township Cumberland County | SCRO |
| WQG016618 | WQG-01 WQM General Permit | Issued | Marker Anthony C 840 Pioneer Road Rockwood, PA 15557-7111 | Milford Township Somerset County | SWRO |
| WQG02252201 | WQG-02 WQM General Permit | Issued | Fairview Township Water & Sewer Authority Erie County 68 Port Access Road Erie, PA 16507-2204 | Erie City Erie County | NWRO |

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|-----------------------------|---------------------|--|---|--|
| PAC020851 | PAG-02 General Permit | Issued | Urbano Way, LLC 460 Virginia Avenue Indianapolis, PA 46203 | Robinson Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020810 | PAG-02 General Permit | Issued | # 1 Cochran Automotive 4520 William Penn Highway Monroeville, PA 15146 | Harrison Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020889 | PAG-02 General Permit | Issued | Scott Township 301 Lindsay Road Carnegie, PA 15106 | Scott Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC02881 | PAG-02 General Permit | Issued | PWSA 1200 Penn Avenue Pittsburgh, PA 15222 | City of Pittsburgh Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020837 | PAG-02 General Permit | Issued | Brookfield Properties 127 Public Square 31st floor Cleveland, OH 44114 | Robeson Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020890 | PAG-02 General Permit | Issued | Township of North Fayette 400 North Branch Road Oakdale, PA 15071 | North Fayette Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020845 | PAG-02 General Permit | Issued | Elk Ridge Development, LP 10431 Perry Highway Suite 100 Wexford, PA 15090 | Moon Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC110095 | PAG-02 General Permit | Issued | Portage Area Sewer Authority 606 Cambria Street Portage, PA 15946 | Portage Borough Portage Township Cambria County | Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120 |
| PAD460074 | PAG-02 General Permit | Denied | PTV 1236 LLC 400 Penn Center Blvd. Bldg. 4 Suite 1000 Pittsburgh, PA 15235 | Marlborough Township Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov |

NOTICES

6913

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|-----------------------------|---------------------|---|---|---|
| PAC460736 | PAG-02 General Permit | Issued | T-Mobile Northeast LLC 30 South Montgomery Avenue Norristown, PA 19403-3326 | West Norriton Township Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov |
| PAC460685 | PAG-02 General Permit | Issued | The Hill School 860 Beech Street Pottstown, PA 19464 | Pottstown Borough Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov |
| PAC460709 | PAG-02 General Permit | Issued | Old Forge Acquisitions LP 404 Sumneytown Pike Suite 200 North Wales, PA 19454 | Upper Providence Township Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov |
| PAC460726 | PAG-02 General Permit | Issued | LaSalle College High School 8605 Cheltenham Wyndmoor, PA 19038-7121 | Springfield Township Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov |
| PAC090474 | PAG-02 General Permit | Issued | ELU DeLuca Yardley, LLC 370 Maple Avenue Suite 101 Langhorne, PA 19047 | Lower Makefield Township Bucks County | Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18902-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov |
| PAC090099 | PAG-02 General Permit | Issued | Mar-Mar Builders 400 Crossing Drive Bristol, PA 19007-1510 | Upper Makefield Township Bucks County | Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov |
| PAC460715 | PAG-02 General Permit | Issued | Fort Washington Property Owner LLC 1420 Spring Hill Road McLean, VA 22102-3028 | Upper Dublin Township Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov |
| PAC480155 | PAG-02 General Permit | Issued | Bethlehem Township Municipal Authority 4225 Easton Avenue Bethlehem, PA 18020 | Bethlehem Township Northampton County | Northampton County Conservation District 14 Gracedale Avenue Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ PA.GOV |

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|--------------------------|---------------------|--|--|---|
| PAC660032 | PAG-02 General Permit | Issued | Gregory Lopatofsky 216 Oakridge Road Bear Creek, PA 18702 | Nicholson Township Wyoming County | Wyoming County Conservation District 21 Hollowcrest Road Tunkhannock, PA 18657 570-836-2589 RA-EPWW-NERO@ PA.GOV |
| PAC100263 | PAG-02 General Permit | Issued | Liberty Pointe Partners LLC 3413 Babcock Boulevard Pittsburgh, PA 15237 | Jefferson Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-2845270 |
| PAC100090A1 | PAG-02 General Permit | Issued | Sippel Enterprises 2000 Georgetown Drive Suite 100 Sewickley, PA 15143 | Cranberry Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270 |
| PAC150318 | PAG-02 General Permit | Issued | Daniel E Fisher 273 Beacon Light Road Parkesburg, PA 19365 | West Caln Township Chester County | Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov |
| PAC610021 | PAG-02 General Permit | Issued | National Fuel Gas Distribution Corporation 1100 State Street Erie, PA 16501 | City of Franklin Sugarcreek Borough Venango County | Venango County Conservation District 4871 US 322 Franklin, PA 16323 814-676-2832 |
| PAC210293 | PAG-02 General Permit | Issued | Weary Real Estate LLC 75 Goodyear Road Carlisle, PA 17015 | West Pennsboro Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717-240-7812 |
| PAC220348 | PAG-02 General Permit | Issued | Highview Commercial WH1, LLC 6235 Hamilton Blvd Allentown, PA 18106 | West Hanover Township Dauphin County | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 |
| PAC220349 | PAG-02 General Permit | Issued | JJLH Associates, LTD 4337 East Street Road Trevose, PA 19053 | Swatara Township Dauphin County | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 |
| PAC220191A-4 | PAG-02 General Permit | Issued | Dana and Kyle Fronk 301 Adelia Street Middletown, PA 17057 | Londonderry Township Dauphin County | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 |
| PAC220317 | PAG-02 General Permit | Issued | Dennis Railing 928 Groff Avenue Elizabethtown, PA 17022 | Londonderry Township Dauphin County | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 |

NOTICES

6915

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|--------------------------|---------------------|--|---|--|
| PAC220350 | PAG-02 General Permit | Issued | Patricia Derk 722 Knight Drive Harrisburg, PA 17111 | South Hanover Township Dauphin County | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 |
| PAC220052A-2 | PAG-02 General Permit | Issued | Penn State University Milton S. Hershey Medical Center 139J Physical Plant Building University Park, PA 16802 | Derry Township Dauphin County | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 |
| PAC540014 | PAG-02 General Permit | Issued | Tyson Foods Mr. Duane Redder 2231 W. Martin Luther King Jr Blvd Fayetteville, AR 72701 | Cass Township Schuylkill County | Schuylkill Conservation District 1206 Ag Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@PA.GOV |
| PAC630073A-1 | PAG-02 General Permit | Issued | S&S Excavating and Construction 176 Grand Vista Lane Friedens, PA 15541 | Fallowfield Township Washington County | Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 |
| PAC630004A-6 | PAG-02 General Permit | Issued | Rivendale Farms Pittsburgh, LLC 1357 Valleyview Road Bulger, PA 15019 | Robinson Township Washington County | Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 |
| PAC630244A-1 | PAG-02 General Permit | Issued | PTV 1223, LLC 400 Penn Center Boulevard Building 4 Pittsburgh, PA 15235 | Carroll Township Washington County | Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 |
| PAC020151A-1 | PAG-02 General Permit | Issued | Housing Authority City of Pittsburgh 200 Ross Street Pittsburgh, PA 152219 | City of Pittsburgh Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC02882 | PAG-02 General Permit | Issued | Lee Carmen Industries, LLC 696 McKeesport Road Elizabeth, PA 15037 | White Oak Borough Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020883 | PAG-02 General Permit | Issued | Kilbuck Builder Supply, LLC 785 Redgate Road Sewickley, PA 15143 | Kilbuck Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020843 | PAG-02 General Permit | Issued | LORE PPA BKSU4 6519 Penn, LLC 5500 Walnut Street Suite 300 Pittsburgh, PA 15232 | City of Pittsburgh Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|-----------------------------|---------------------|--|---|--|
| PAC020839 | PAG-02 General Permit | Issued | Mele & Mele & Sons, Inc. One Mele Place Braddock, PA 15104 | City of Duquesne Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020897 | PAG-02 General Permit | Issued | Patalsky Homes, Inc. 1209 Route 286 Export, PA 15632 | Findlay Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020869 | PAG-02 General Permit | Issued | Allegheny County Airport Authority Landslide Terminal 4th Floor Mezzanine Suite 1050 Pittsburgh, PA 15231 | Findlay Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020860A-1 | PAG-02 General Permit | Issued | Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212 | Penn Hills Township Plum Borough Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020894 | PAG-02 General Permit | Issued | Regional Industrial Development Corporation 611 William Penn Place Suite 600 Pittsburgh, PA 15219 | City of Pittsburgh Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020865 | PAG-02 General Permit | Issued | Bundy Investments, LP 33-2 McGovern Boulevard Crescent, PA 15046 | Moon Township Crescent Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PA020900 | PAG-02 General Permit | Issued | South Fayette Township Municipal Authority 900 Presto Sygan Road Bridgeville, PA 15017 | South Fayette Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020820 | PAG-02 General Permit | Issued | CRAFT Pittsburgh USA, Inc. 301 Grant Street Pittsburgh, PA 15219 | Mount Lebanon Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020730 | PAG-02 General Permit | Issued | Duquesne Light Company 2841 New Beaver Avenue Pittsburgh, PA 15233 | Robinson Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC020741 | PAG-02 General Permit | Issued | The Silverman Group 195 Morristown Road Baskin Ridge, NJ 07920 | North Fayette Township Allegheny County | Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005 |
| PAC600089 | PAG-02 General Permit | Issued | Earl Hursh 8005 Old Turnpike Road Mifflinburg, PA 17844 | Buffalo Township Union County | Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860 |

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|--------------------------|---------------------|--|-------------------------------------|---|
| PAC410077 | PAG-02 General Permit | Issued | Leclerc Foods USA Inc. 44 Park Dr Montgomery, PA 17752 | Clinton Township Lycoming County | Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 570-433-3003 |

**STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

**NUTRIENT MANAGEMENT PLAN
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Approved or Disapproved</i> |
|--|----------------|--------------------|--------------------------------|--------------------|---|--------------------------------|
| Barry Farms 221 Michters Road Schaefferstown, PA 17088 | Lebanon County | 654.7 | 1,034.61 | Beef/ Swine | NA | Approved |

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of

practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

SAFE DRINKING WATER

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

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

Contact: Nicole Mechtly, Clerical Supervisor 2, 570-327-3490.

Construction Permit No. 4922504, Major Amendment, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc. Roaring Creek**
 Address 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Municipality Coal Township
 County **Northumberland County**
 Consulting Engineer Charlie Liu P.E.
 920 Germantown Pike
 Suite 200
 Plymouth Meeting, PA 19462
 Application Received June 24, 2022
 Permit Issued October 19, 2022
 Description This permit approves replacement of the existing chlorine dioxide generators at both reservoirs with a new chlorine dioxide generator at the Roaring Creek Filtration Plant.

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.

Construction Permit No. 5422508MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Address 852 Wesley Drive
 Mechanicsburg, PA 17055
 Municipality Frackville Borough
 County **Schuylkill County**
 Consulting Engineer Ewoud Hulstein, P.E.,
 Pennsylvania American
 Water Company
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Application Received July 28, 2022
 Permit Issued October 18, 2022
 Description Removal of UV light disinfection system.

Construction Permit No. 5222501MA, Minor Amendment, Public Water Supply.

Applicant **Community Utilities of Pennsylvania, Inc.**
 Address 570 Hallett Road
 East Stroudsburg, PA 18301
 Municipality Lehman Township

County
 Consulting Engineer

Pike County
 Charles W. Amer III, P.E.
 GHD, Inc.
 298 East 5th Street
 Suite 1
 Bloomsburg, PA 17815

Application Received
 Permit Issued
 Description

June 30, 2022
 August 24, 2022
 Well No. 3 wellhead modifications.

Operation Permit No. 2359008, Public Water Supply.

Applicant
 Address
 Municipality
 County
 Consulting Engineer

Pennsylvania American Water
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Roaring Brook Township
Lackawanna County
 Rich Dudek
 Pennsylvania American Water
 2699 Stafford Avenue
 Scranton, PA 18505

Application Received
 Permit Issued
 Description

February 25, 2022
 October 20, 2022
 Approval to operate three 325-gallon portable water storage tankers.

Construction Permit No. 3922510, Major Amendment, Public Water Supply.

Applicant
 Address
 Municipality
 County
 Consulting Engineer

South Whitehall Township
 4444 Walbert Avenue
 Allentown, PA 18104
 South Whitehall Township
Lehigh County
 Ebert Engineering, Inc.
 P.O. Box 540
 4397 Skippack Pike
 Skippack, PA 19474

Application Received
 Permit Issued
 Description

October 24, 2022
 October 24, 2022
 Installation of booster pump station to supply water to new Ridge Farms Development.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Darin Horst, Environmental Engineer, 717-705-4708.

Construction/Operation Permit No. 3622533 MA, Minor Amendment, Public Water Supply.

Applicant
 Address
 Municipality
 County

Ephrata Area Joint Authority
 124 South State Street
 Ephrata, PA 17522
 Ephrata Borough
Lancaster County

Consulting Engineer Becker Engineering, LLC
525 Greenfield Road
Suite 201
Lancaster, PA 17601

Application Received August 15, 2022

Permit Issued October 20, 2022

Description Repairs to the 0.5 MG Lincoln elevated finished water storage tank.

Operation Permit No. 7360100, Public Water Supply.

Applicant **We Care Communities, LLC**

Address 135 Herr Drive
Peach Bottom, PA 17563

Municipality East Drumore Township

County **Lancaster County**

Consulting Engineer James R. Holley & Associates, Inc.
18 South George Street
Suite 300
York, PA 17401

Application Received October 19, 2022

Permit Issued October 24, 2022

Description Change of the pH adjustment chemical from soda ash to caustic soda.

Operation Permit No. 7360056, Public Water Supply.

Applicant **Penny Park**

Address 1619 Parkman Avenue
Baltimore, MD 21230

Municipality Drumore Township

County **Lancaster County**

Consulting Engineer James R. Holley & Associates, Inc.
18 South George Street
Suite 300
York, PA 17401

Application Received October 19, 2022

Permit Issued October 24, 2022

Description Operation of a flow switch control for the caustic soda feed pump.

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Kimberleigh Rivers Clerical Assistant 2 484-250-5887.

Construction Permit No. 0922520, Minor Amendment, Public Water Supply.

Applicant **Top Star Express # 18**

Address 515 Dublin Pike
Perkaise, PA 19468

Municipality Bedminster Township

County **Bucks County**

Consulting Engineer Synergy Environmental, Inc.
155 Railroad Plaza
First Floor
Royersford, PA 19468

Application Received August 11, 2022

Permit Issued October 11, 2022

Description Adding a water softener and a Nitrogen treatment to the existing water system.

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

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

Contact: Nicole Mechtly, Clerical Supervisor 2, 570-327-3490.

Amendment Permit 0818501. PWSID No. **2080029**. **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848, North Towanda Township, **Bradford County**. Application received: October 5, 2022. Permit Issued: October 19, 2022. Amended Operation Permit for Special Condition S amended to prohibit simultaneous operation of the membrane racks. This allows the use of one turbidimeter to record the individual and combined filter effluent turbidities, since the values will always be the same. In addition, Special Condition V is hereby updated based on Chapter 109 revisions to require the recording of the following parameters daily at the hour of peak flow: Entry Point free chlorine residual, temperature, and pH; flow rate out of the clearwell; and calculated CT and log inactivation.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

Operation Permit 7380033. PWSID No. **7380033**. **Heidelberg Township**, P.O. Box 188, Schaefferstown, PA 17088, Heidelberg Township, **Lebanon County**. Application received: August 15, 2022. Permit Issued: September 28, 2022. Replacement of the nitrate treatment anion exchange system.

Operation Permit 7220017. PWSID No. **7220017**. **PA American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055, Londonderry Township, **Dauphin County**. Application received: August 29, 2022. Permit Issued: October 14, 2022. Operation of the Colebrook Road booster pumping station.

Operation Permit 2222509 MA. PWSID No. **7220036**. **PA American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055, Steelton Borough, **Dauphin County**. Application received: October 21, 2022. Permit Issued: October 24, 2022. Steelton Borough water system—Replacement of the Filter No. 2 media.

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

Operation Permit 2122506 MA. PWSID No. **7210029**. **Pennsylvania-American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, Fairview Township, **York County**. Application received: October 21, 2022. Permit Issued: October 24, 2022. Partial operation permit for one polymer feed pump replacement.

Contact: Susan Wilbur, 717.705.4708.

Source Water Protection Program Approval issued to **Topton Borough Water Supply**, 205 South Calowhill Street Topton, PA 19562, PWSID No. **3060072**, Topton Borough, **Berks County** on October 17, 2022.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals 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: RA-EPSCROCWMAIN@pa.gov.

Plan Location:

| <i>Municipality</i> | <i>Address</i> | <i>County</i> |
|----------------------|--|-----------------|
| Wernersville Borough | 100 North Reber Street Wernersville, PA 19565 | Berks County |

Plan Description:

West Ridge Suites Development, A3-06972-022-3E. The exemption from the requirement to revise the Official Plan for the West Ridge Suites Development, DEP Code No. A3-06972-022-3E, APS ID 1073162, is disapproved. The proposed subdivision consists of eight single-family residential lots to utilize a new force main with proposed flows of 1,904 gallons per day to be collected and conveyed by Wernersville Municipal Authority and treated at the Robeson-Wernersville Municipal Authority Wastewater Treatment Facility. The proposed development is located on Old Furnace Road in Wernersville Borough. This plan is disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan. It does not qualify because the subdivision proposes the connection to or an extension of public sewer facilities which require or which must apply for a new or modified permit from DEP under the Pennsylvania Clean Streams Law (CSL) as per Chapter 71, Section 71.51(b)(5).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and trans-

port analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

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

The Department has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa Hensel, Clerical Assistant 2, 570-327-3653.

Coal Township Release Site, Primary Facility ID # **772092**, 40.80216, -76.60628, south side of Little Mountain, Coal Township, PA 17866, Coal Township, **Northumberland County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Sunoco Pipeline, LP, 100 Green Street, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of groundwater contaminated with unleaded gasoline. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Stellar Cargo, Inc. Diesel Fuel Cleanup, Primary Facility ID # **855046**, Interstate 80 at MM 210E, exit 210A to US Route 15S, New Columbia, PA 17856, White Deer Township, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Stellar Cargo, Inc., 110 Higgins Road, Park Ridge, IL 60068, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

David C. Duncan Pad A, Primary Facility ID # **861565**, 1178 Matthews Road, Trout Run, PA 17771, Cascade Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17701, on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701, submitted a Final Report concerning remediation of soil contaminated with produced water and lube oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Jorawar Transport, LLC Diesel Fuel Cleanup, Primary Facility ID # **8859453**, Interstate 80 at MM 216E, Milton, PA 17847, East Chillisquaque Township, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Jorawar Transport LLC, 75 Oak Creek Road, East Windsor, NJ 05620, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Imler's Poultry, Inc. Diesel Fuel Cleanup, Primary Facility ID # **859903**, Interstate 80 at MM 210 W at US Route 15 N ramp, New Columbia, PA 17856, White Deer Township, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Imler's Poultry, Inc., 1887 Route 754, Duncansville, PA 16635-7952, sub-

mitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

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 is intended to document remediation of the site to meet the Statewide health and background standards.

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

Contact: Barry Stanton, Geologic Specialist, 814-332-6195.

Potato Creek 1H Well Pad, Primary Facility ID # **802517**, 790 Colegrove Brook Road, Warren, PA 16379, Norwich Township, **McKean County**. Moody and Associates, 11548 Colton Road, Meadville, PA 16335, on behalf of PA General Energy Co LLC, 120 Market Street, Warren, PA 16365, submitted a Final Report concerning remediation of soil and groundwater contaminated with residential Statewide health standard in soil for aluminum, barium, boron, chloride, chromium, copper, lead, lithium, selenium, strontium, and zinc; and in groundwater for aluminum, arsenic, barium, boron, chloride, chromium, copper, lead, lithium, selenium, strontium, vanadium, and zinc. The project attained the background standard for arsenic in soil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

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

EQT Trax Farm Well Pad, Primary Facility ID # **861781**, 6390 State Route 88, Finleyville, PA 15332, Union Township, **Washington County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, vanadium, zinc, and chloride. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101–6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Superior Truck Lines, Inc. Project, Primary Facility ID # **859080**, US Route 15 Southbound near Trout Run Exit, Williamsport, PA 17701, Lewis Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Superior Truck Lines, Inc., P.O. Box 538, Newark, NY 14513, submitted a Final Report concerning remediation of soil contaminated with diesel fuel and used motor oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 14, 2022.

Thomas Property, Primary Facility ID # **855405**, 301 North 6th Street, Sunbury, PA 17801, City of Sunbury, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of

Patricia Thomas, 301 North 6th Street, Sunbury, PA 17801, submitted a Final Report concerning remediation of soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 5, 2022.

Transportation Logistics Services, Inc. Cleanup Project, Primary Facility ID # **858952**, State Route 1475 North of the State 405 Interchange, Lewisburg, PA 17837, West Chillisquaque Township, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Transportation Logistics Services, Inc., 12214 E. Main Road, North East, PA 16428, submitted a Final Report concerning remediation of soil contaminated with diesel fuel and used motor oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 6, 2022.

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

Contact: Eric Supey, Environmental Program Manager.

S. Biniewicz Pad 1, Primary Facility ID # **858776**, 6771 State Route 547, Harford, PA 18823, Gibson 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 produced fluid (brine). The Final Report demonstrated attainment of the Statewide health standards. Approved: October 25, 2022.

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, 484-250-5768.

101470. United States Recycling, Inc., 6101 Tacony Street, Philadelphia, PA 19135, City of Philadelphia, **Philadelphia County**. The provided applications are for (1) a minor permit modification, received on June 21, 2021, and (2) a ten-year permit renewal, received on June 24, 2021, to continue operation at the United States Recycling Transfer Station, a municipal waste transfer facility. Application received: June 21, 2021. Approved: October 13, 2022. Renewed: October 13, 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.

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

Contact: Waste Management Program Manager.

101706. Michael Brothers Hauling, Inc., 901 Horning Road, Pittsburgh, PA 15236, Baldwin Borough, **Allegheny County**. Operation of a Municipal/Construction

and Demolition Waste Transfer Facility at 5331 McAnulty Road, Pittsburgh, PA 15236 in Baldwin Borough, Allegheny County. Application received: October 15, 2021. Renewed: October 21, 2022.

Persons interested in reviewing the permit may contact Regional Files, 412-442-4000, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

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.

GP14-17-397: Clearfield County SPCA, 275 21st Street, Clearfield, PA 16833, Lawrence Township, **Clearfield County**. An authorization for continued operation of the animal crematory at their facility pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14). Application received: October 11, 2022. Issued: October 19, 2022.

AG5-57-00002A: Appalachia Midstream Services, LLC, 30351 SR6, Wysox, PA 18854, Fox Township, **Sullivan County**. Authorized for the continued operation of three 1,875 bhp Caterpillar model G3606LE, natural gas-fired, 4-stroke, lean burn compressor engines, each equipped with 2-way oxidation catalysts; one 622 bhp Caterpillar G3412TA, natural gas-fired, 4-stroke, rich burn, standby generator engine; three 3.575 MMBtu/hr, natural gas-fired line heaters and one 0.12 MMBtu/hr, catalytic fuel gas heater; various storage tanks, pneumatic devices, venting/blowdowns, fugitives, and pigging operations, pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Red Fox Compressor Station. Application received: October 5, 2022. Issued: October 21, 2022.

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

Contact: Raymond Kempa, New Source Review Chief, Telephone: 570-826-2531.

GP3-54-015: Commonwealth Environmental Systems, LP, 99 Commonwealth Road, Hegins, PA 17938-0322, Foster Township, **Schuylkill County**. General permit for one (1) 600 TPH McCloskey vibratory screener and two (2) 600 TPH McCloskey 36x80 conveyors controlled by water sprays located at the site in Foster Township, Schuylkill County. Application received: September 12, 2022. Issued: October 18, 2022.

GP9-54-015: Commonwealth Environmental Systems, LP, 99 Commonwealth Road, Hegins, PA 17938-0322, Foster Township, **Schuylkill County**. General permit for engines associated with the portable nonmetallic mineral processing equipment issued under GP3-54-015. The engines consist of one (1) 131 BHP Caterpillar

C4.4 diesel-fired engine controlled by an oxidation catalyst and SCR, and two (2) 382 BHP AB Volvo Penta diesel-fired engines controlled by SCR located at the site in Foster Township, Schuylkill County. Application received: September 12, 2022. Issued: October 18, 2022.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

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

21-03034A: Penn Valley Crematory, LLC, 167 North Enola Road, Enola, PA 17025, East Pennsboro Township, **Cumberland County**. For the human crematory. Application received: March 24, 2022. Issued: October 11, 2022.

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

36-05152F: Kellogg USA Inc., 2050 State Road, Lancaster, PA 17604, East Hempfield Township, **Lancaster County**. For the replacement of the corn tempering bin on the corn line with a larger corn tempering bin at the East Hempfield plant. The overall capacity of the corn line will not increase. The existing corn tempering bin exhausts through Rotoclone # 23, Size 16, inside the building. The new tempering bin will exhaust through a larger American Air Filter, Model W, Size 24, Rotoclone Wet Scrubber (Rotoclone # 39) and exhaust outside. Application received: June 3, 2022. Issued: October 18, 2022.

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

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

63-00936F: MarkWest Liberty Midstream and Resources, LLC, 800 Western Avenue, Washington, PA 15317, Chartiers Township, **Washington County**. Plan Approval extension effective November 28, 2022, to extend the period of temporary operation of the Houston Gas Plant. The new expiration date is May 28, 2023. Application received: October 3, 2022. Issued: October 19, 2022.

65-01122A: OPTA (US), Inc./Affival, Inc., Schreiber Industrial Park, Building 120, 14th Street and 3rd Avenue, New Kensington, PA 15608, City of Arnold, **Westmoreland County**. The Department issued a plan approval to authorize the temporary operations of a cored wire production operation, including four (4) powdered metal cored wire lines, a powder dumping room, two (2) parts washers, three (3) solid metal cored wire lines, and miscellaneous combustion and metal fabrication equipment. The plan approval includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at the facility. Application received: August 4, 2020. Issued: October 13, 2022.

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

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

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

31-05022B: AC Products, Inc.—Mt. Union Plant, 11823 Lenape Drive, Mount Union, PA 17066, Shirley Township, **Huntingdon County**. For the wood cabinet manufacturing facility. The plan approval was extended. Application received: October 4, 2022. Issued: October 21, 2022.

67-03083C: Utz Quality Foods, LLC, 900 High Street, Hanover, PA 17331, Hanover Borough, **York County**. For the construction of a new tortilla chip production line at the snack food manufacturing facility. The plan approval was extended. Application received: October 14, 2022. Issued: October 21, 2022.

67-05063A: York Building Products Co., Inc.—Roosevelt Quarry, 950 Smile Way, York, PA 17404, West Manchester Township, **York County**. For the replacement of a secondary and tertiary cone crusher and subsequent increase in sitewide capacity from 600 tph to 800 tph at the limestone quarry. The plan approval was extended. Application received: October 14, 2022. Issued: October 24, 2022.

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

06-05033A: Texas Eastern Transmission/Bernville, 306 Station Road, Robeson, PA 19551, North Heidelberg Township, **Berks County**. For the construction of two (2) new natural gas-fired simple cycle turbines at the Bernville Compressor Station. These new turbines will replace two (2) GE 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 445 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp, natural gas, emergency generator. The project also includes the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The plan approval was extended. Application received: September 29, 2022. Issued: October 21, 2022.

22-05010A: Texas Eastern Transmission, LP, 429 Station Road, Grantville, PA 17028, East Hanover Township, **Dauphin County**. For the construction of two (2) new natural gas-fired simple cycle turbines at the Grantville 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 445 bhp emergency generator (Source ID 035) with a Waukesha VGF24GL 585 bhp, natural gas, emergency generator. The project also includes the installation of two (2) fuel gas heaters, each rated at 1.154 MMBtu/hr heat input, one space heater rated at 0.200 MMBtu/hr, three (3) separator vessels each rated less than 500 gallons used to collect pipeline liquids, one (1) 2,260 gallon pipeline liquids tank, two (2) 3,550 gallon oil tanks and one (1) 10,000 gallon oily water tank. The plan approval was extended. Application received: September 29, 2022. Issued: October 20, 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.

23-0051: Riddle Memorial Hospital, 1068 West Baltimore Pike, Media, PA 19063-5104, Middletown Township, **Delaware County**. For the extension of plan approval 23-0051 for the installation and operation of two emergency generators and one boiler, and the plan approval includes the removal of one existing emergency generator at their existing facility. Application received: October 12, 2022. Issued: October 20, 2022.

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

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

11-00536A: CPV Fairview, LLC, 2862 William Penn Highway, Johnstown, PA 15909, Jackson Township, **Cambria County**. For change of responsible official and plan approval extension effective on October 28, 2022, with expiration on April 28, 2023, for continued temporary operation of air contamination sources and controls at the CPV Fairview Energy Center. Application received: September 23, 2022. Issued: October 28, 2022.

11-00536B: CPV Fairview, LLC, 2862 William Penn Highway, Johnstown, PA 15909, Jackson Township, **Cambria County**. For change of responsible official and plan approval extension effective on October 28, 2022, with expiration on April 28, 2023, for continued temporary operation of air contamination sources and controls at the CPV Fairview Energy Center. Application received: September 23, 2022. Issued: October 28, 2022.

Plan Approval(s) Denied, Terminated, Modified, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the Provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

46-00047: Precision Tube Company, 287 Wisahickon Avenue, North Wales, PA 19454-4115, Upper Gwynedd Township, **Montgomery County**. For the revocation of the Title V Operating Permit because of the permanent shutdown of significant sources, including tube straighteners, vapor degreasers, parts washer and furnaces at the facility. Application received: November 8, 2021. Revoked: October 20, 2022.

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

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

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

30-00194: EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Morris Township, **Greene County**. In accordance with 25 Pa. Code §§ 127.441, 127.425, and 127.521, the Department of Environmental Protection (DEP) is providing notice that on October 17, 2022, DEP issued a renewed Title V Operating Permit EQM Gathering OPTO LLC for the continued opera-

tion of a gathering line, natural gas-fired, compressor station, known as the Callisto Compressor Station. The facility consists of five, natural gas, compressors driven by spark ignition, four-stroke, lean-burn, 4,735-bhp, Caterpillar G3616 LE, natural gas-fired, compressor engines equipped with oxidation catalysts and air/fuel ratio controllers and two, triethylene glycol (TEG), 240 and 120 MMBtu/hr reboiler, and a 1,420 scfm, enclosed ground flare. For permitting purposes, the Browns Creek Dehydration Station is part of Callisto Compressor Station. This dehydration station contains two, 210-bbl and one, 50-bbl condensate tanks, one, 4-MMscf/d, dehydration unit, and an enclosed ground flare. Sources at the facility are subject to applicable requirements in Sources at the facility are subject to applicable requirements in 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 60, Subpart OOOO—Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015, 40 CFR Part 63, Subpart A—General Provisions, 40 CFR Part 63 Subpart HH—National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities, and 25 Pa. Code Chapters 121—145. No equipment or emission changes are being approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 63, and 70, and 25 Pa. Code Article III, Chapters 121—145. Application received: March 29, 2022. Issued: October 17, 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.

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

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

49-00002: ConAgra Grocery Products Company, 30 Marr Street, Milton, PA 17847, Milton Borough, **Northumberland County**. The Department issued a renewal State Only Operating Permit for their Milton production facility. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: April 15, 2022. Permit issued: October 21, 2022.

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

Contact: 570-826-2409.

40-00070: Berwick Offray LLC Berwick Plant, Ninth and Bomboy LN, Berwick, PA 18603-4102, Salem Township, **Luzerne County**. The Department issued a renewal State-Only (Synthetic) Minor Permit for the manufacturing of commercial printing and gravure facility located in Salem Township, Luzerne County. The sources at this facility consists of extrusion lines and presses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP),

and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: May 13, 2022. Renewal issued: October 17, 2022.

40-00141: Wren Manufacturing Co., 1070 Hanover Street, Hanover, PA 18706, Hanover Township, **Luzerne County**. The Department issued a new State-Only (Natural) Minor Permit for the manufacturing of wood kitchen cabinets facility located in Hanover Township, Luzerne County. The sources at this facility consists of wood working machinery and spray lines. The control devices consist of baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: February 23, 2022. Permit issued: October 24, 2022.

Contact: Norm Frederick, 570-826-2409.

39-00096: BEHR Proc Corp/Allentown, 7529 Morris Ct, Allentown, PA 18106-9226, Upper Macungie Township, **Lehigh County**. The Department issued a State-Only (Natural) Minor Permit for the operation of paints and allied products facility in Upper Macungie Township, Lehigh County. The sources at this facility consist of raw material processing. The control devices consist of a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: January 18, 2022. Renewal issued: October 21, 2022.

40-00141: WREN Manufacturing Co., 1070 Hanover Street, Sugar Notch, PA 18706, Hanover Township, **Luzerne County**. The Department issued a new State-Only (Natural) Minor Permit for the manufacturing of wood kitchen cabinets facility located in Hanover Township, Luzerne County. The sources at this facility consists of wood working machinery and spray lines. The control devices consist of baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: February 23, 2022. Permit issued: October 24, 2022.

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

35-00029: Scranton Hospital Co, LLC, 746 Jefferson Ave, Scranton, PA 18510, City of Scranton, **Lackawanna County**. The Department issued a renewal Operating Permit for their general medical and surgical hospital. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and

State air pollution regulations. Application received: March 23, 2022. Accepted: March 23, 2022. Issued: September 28, 2022.

40-00147: General Dynamics OTS (Wilkes-Barre), LLC, 1060 Hanover St, Hanover, PA 18706, Hanover Township, **Luzerne County**. The Department issued a State-Only Operating Permit for operation of sources at their artillery and mortar shell bodies manufacturing facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: March 2, 2022. Accepted: March 2, 2022. Issued: September 21, 2022.

45-00026: Hanson Aggregates PA, LLC, 7660 Imperial Way, Allentown, PA 18195, Hamilton Township, **Monroe County**. The Department issued a State-Only Operating Permit for operation of sources at their asphalt paving mixture and block manufacturing facility. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: March 17, 2022. Accepted: March 17, 2022. Issued: September 28, 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.

06-03551: SGL Carbon, LLC, 796 Fritztown Road, P.O. Box 2193, Sinking Spring, PA 19608, Spring Township, **Berks County**. For the graphite components manufacturing facility. The State-Only permit was renewed. Application received: January 24, 2022. Issued: October 17, 2022.

36-03220: CHP F&M, LLC, P.O. Box 610, 1475 North Old Trail Road, Wilson, WY 83014-0610, City of Lancaster, **Lancaster County**. For the operation of a natural gas fired engine equipped with a waste heat recovery boiler. Application received: June 30, 2022. Issued: October 19, 2022.

36-05094: Keystone Wood Specialties, Inc., P.O. Box 10127, Lancaster, PA 17605-0127, East Lampeter Township, **Lancaster County**. For the custom wood specialties manufacturing facility. The State-Only permit was renewed. Application received: March 31, 2022. Issued: October 11, 2022.

38-03055: Always Bagels, Inc., 10 Keyland Court, Bohemia, NY 11716-2620, North Lebanon Township, **Lebanon County**. For the bagel bakery. The State-Only permit was renewed. Application received: March 28, 2022. Issued: October 18, 2022.

06-03032: Hamburg Manufacturing, Inc., 221 S. 4th Street, P.O. Box 147, Hamburg, PA 19526, Hamburg Borough, **Berks County**. For the metal castings manufacturing facility known as Plant # 1, at 147 South 4th Street. The State-Only permit was renewed. Application received: November 5, 2021. Issued: October 14, 2022.

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

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

65-00863: CCX Inc. Braeburn Alloy Steel, 101 Braeburn Road, Lower Burrell, PA 15068, City of Lower Burrell, **Westmoreland County**. A State Only Operating Permit (SOOP) renewal to CCX Inc/Braeburn Alloy Steel to authorize the continued operation of their facility. Application received: February 9, 2022. Issued: October 21, 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.

17-00001: Shawville Power, LLC, P.O. Box F, 250 Power Plant Drive, Shawville, PA 16873-0403, Bradford Township, **Clearfield County**. The Department issued an administrative amendment Title V Operating Permit revision to reflect the new Responsible Official contact information for their Shawville Generating Station. All applicable regulatory requirements including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance are included within the revised Title V permit. Application received: October 6, 2022. Revised: October 14, 2022.

59-00007: Blossburg Power, LLC, Old Rt. 15, ML N Blossburg, Blossburg, PA 16912, Covington Township, **Tioga County**. The Department issued a revised State Only (synthetic minor) Operating Permit for a change in responsible official for the Blossburg Generating Station. This revised State Only (synthetic minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. Application received: October 6, 2022. Revised: October 17, 2022.

08-00016: Dalrymple Gravel & Contracting Co., Inc., 2105 South Broadway, Pine City, NY 14871, Athens Township, **Bradford County**. The Department issued a revised State Only Operating Permit for their Chemung asphalt plant and sand and gravel facility. Revision No. 1 was issued for the incorporation of plan approvals 08-00016B and 08-00016C which authorized a new countercurrent flow drum and a new dual-fuel (natural gas and No. 2 fuel oil) burner for the drum mix plant as well as to allow the use of waste oil (on-specification type) in the existing burner of the batch mix plant. The revision also includes a change in the test requirements for the P101 drum plant from 50% RAP to 20% to 40% RAP to enable performance testing during actual production runs. The revised State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: March 10, 2022. Issued: February 11, 2020. Revised: October 24, 2022.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

46-00259: The Hill at Whitemarsh, 4000 Fox Hound Drive, Lafayette, PA 19444, Whitemarsh Township, **Montgomery County**. For the change of ownership of the facility from EPP Renewable Energy LLC to The Hill at Whitemarsh. Application received: August 18, 2022. Issued: October 21, 2022.

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

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

56-00199: Shade Central City School District, 203 McGregor Avenue, Cairnbrook, PA 15927, Shade Township, **Somerset County**. The Department issued an administrative amendment of the synthetic minor State Only Operating Permit for Shade High School. The Operating Permit was modified to change the responsible official and permit contact person. Application received: July 18, 2022. Issued: October 24, 2022.

65-00837: Eastern Gas Transmission and Storage Inc., 5000 Dominion Boulevard, Glen Allen, VA 23060, Salem Township, **Westmoreland County**. Administrative Amendment to change the language in Condition # 004 of Section E, Source Group SG05, of the Operating Permit to correct an inadvertent language error introduced in the previous, December 27, 2021, amendment to the permit for the Oakford Compressor Station. Application received: June 9, 2022. Issued: October 17, 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

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 49663009. Mallard Contracting Co., Inc., 122 Wilburton Road, Mt. Carmel, PA 17851, Mount Carmel Township, **Northumberland County**.

Correction to construct a stream crossing and update the haul/access road on an anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation affecting 1,189.2 acres. Receiving stream: Shamokin Creek. Application received: May 5, 2022. Correction issued: October 21, 2022.

Noncoal Permits

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

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

Mining Permit No. 3076SM5. NPDES No. PA0259730. Conneaut Lake Sand & Gravel, Inc., P.O. Box 233, West Middlesex, PA 16159, Sadsbury Township, **Crawford County**. Receiving streams: Unnamed tributary to Conneaut Lake, classified for the following uses: HQ-CWF. Renewal of NPDES No. PA0259730. Application received: June 22, 2022. Issued: October 19, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. GP105 Permit No. 58112504. GP104 No. PAM122038. Eric Wheaton, 1576 Meshopen Creek Road, Montrose, PA 18801, Auburn Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: Tuscarora Creek. Application received: August 17, 2022. Coverage issued: October 19, 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

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724.925.5500 or RA-EPNEWSTANTON@pa.gov.

Permit No. 03224102. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141, Boggs Township, **Armstrong County**. Blasting Activity Permit for the construction of Mascaro Route 66 and 28 highway project. Application received: October 13, 2022. Issued: October 13, 2022. Expiration date: December 31, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 15224107. Rock Work, Inc., 1257 Dekalb Pike, Blue Bell, PA 19422, West Whiteland Township, **Chester County**. Construction blasting for Exton Knoll Phase 2. Application received: October 13, 2022. Permit issued: October 19, 2022. Expiration date: November 1, 2023.

Permit No. 15224108. Valley Rock Solutions, LLC, P.O. Box 246, Macungie, PA 18062, City of Coatesville, **Chester County**. Construction blasting for Southview Subdivision. Application received: October 14, 2022. Permit issued: October 19, 2022. Expiration date: December 31, 2022.

Permit No. 36224141. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Manheim Township, **Lancaster County**. Construction blasting for Brooklawn Phase 111. Application received: October 18, 2022. Permit issued: October 21, 2022. Expiration date: November 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.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: RA-EPWW-NERO@pa.gov.

E400222-006. Donna Klug, 32 Pear Street, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To remove an existing boathouse and dock and to construct and maintain a 2,538 ft², pile-supported boathouse/dock within the normal pool elevation of Harveys Lake (HQ-CWF, MF) and within a de minimus area of PEM Wetlands (Other) equal to 0.001 acre. The project is located at Pole 179 along Lakeside Drive (SR 415) in Harveys Lake Borough, Luzerne County. Latitude: 41° 22' 1", Longitude: -76° 3' 26". Application received: July 8, 2022.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E6106222-003. Jackson Township, P.O. Box 238, Cooperstown, PA 16317, Jackson Township, **Venango County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a steel beam bridge with 22-foot wide laminated timber deck having a clear span of 48 feet and an underclearance of 7 feet across UNT Sugar Creek on T-384 (White Road) approximately 1.2 miles south of SR 4022, Dempseytown, PA, Jackson Township, Venango County. Latitude: 41.538533°, Longitude: -79.858998°. Application received: May 24, 2022. Issued: October 24, 2022.

E3306222-002. Symmco Inc., 40 S Park Street, Sykesville, PA 15865, Sykesville Borough, **Jefferson County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a 34-foot wide by 50-foot long 1,700 square foot utility building in the assumed 50-foot floodway of Stump Creek at an existing manufacturing facility along South Park Street, DuBois, PA, Sykesville Borough, Jefferson County. Latitude: 41.0495°, Longitude: -78.81958°. Application received: August 3, 2022. Issued: October 25, 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.

E0901221-004. Richland Township, 1328 California Road, Suite A, Quakertown, PA 18951, Richland Township, **Bucks County**. U.S. Army Corps of Engineers Philadelphia District.

To restore, rehabilitate, and maintain approximately 1,000 feet of stream restoration along the Tohickon Creek (TSF/MF) associated with the MS4 Permit and PRP. The improvements will include several areas of eroded streambank stabilizations, sawtooth deflectors, end walls, and herbaceous plantings to restore and prevent future issues. The site is located south of East Pumping Station Road, Quakertown, Richland Township, Bucks County. Latitude: 40.4623°, Longitude: -75.3398°. Application received: May 24, 2021. Issued: October 20, 2022.

ENVIRONMENTAL ASSESSMENTS

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

Contact: RA-EPEASTERNNOGPRG@pa.gov.

EA5829222-004. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Auburn Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District.

The construction of the existing water impoundment resulted in 112,428 square feet (2.581 acres) of impacts to a Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland. The project proposes the removal of 112,428 square feet (2.581 acres) of existing fill from within the wetland. The project will result in 6,316 square feet (0.15 acre) of temporary PEM and PSS impacts (Bushkill, PA Quadrangle, Latitude: 41.706095°, Longitude: -76.094905°). This project is associated with the Chesapeake Audit and the impacts are the result of removing fill from within the wetland in Auburn Township, Susquehanna County. The permittee will provide 2.58 acres of PEM and PSS on-site restoration and 2.58 acres of PEM and PSS wetland mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006. Application received: August 22, 2022. Issued: October 18, 2022.

EA0829222-004. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840-1567, Terry Township and Wilmot Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 22, 2022. Issued: October 21, 2022. This project 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. As previously referenced, Environmental Assessment for Waived Activities, (EAR) Application EA0829222-004 Chesapeake Appalachia, LLC (Chesapeake) has applied for an Environmental Assessment Waiver 16—restoration to construct, operate and maintain 0.079 acre of temporary impacts to on-site wetlands. All impacts are associated with the Alexander Bra Pad construction in 2011. There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 3,441 SF (0.079 acre) of temporary wetland impacts.

WETLAND IMPACT TABLE:

| Resource Name | Municipality Quadrangle | Activity | Cow. Class | Listed Trout | Impact Length Temp. (LF) | Impact Area Temp. (SF) | Impact Length Perm. (LF) | Impact Area Perm. (SF) | Lat. Long. |
|---------------|-------------------------|----------------------|------------|--------------|--------------------------|------------------------|--------------------------|------------------------|--------------------------|
| W-JLK-110-T1 | Terry Colley | Conversion/Workspace | PFO | Wild | 97 | 2,570 | | | 41.611130° 76.317869° |

| Resource Name | Municipality Quadrangle | Activity | Cow. Class | Listed Trout | Impact Length Temp. (LF) | Impact Area Temp. (SF) | Impact Length Perm. (LF) | Impact Area Perm. (SF) | Lat. Long. |
|---------------|-------------------------|---------------------|------------|--------------|--------------------------|------------------------|--------------------------|------------------------|--------------------------|
| W-JLK-110-T2 | Terry Colley | Temporary Workspace | PEM | Wild | 39 | 871 | | | 41.611196° 76.317614° |
| TOTAL IMPACTS | | | | | 136 | 3,441 | | | |

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG290822029-00**
 Applicant Name **Chesapeake Appalachia, LLC**
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 Township(s) Albany Township
 County **Bradford County**
 Receiving Stream(s) and Classification(s) Trib 30281 (CWF, MF), Trib 30280 (CWF, MF), South Branch Towanda Creek (CWF, MF), Trib 30278 (CWF, MF), Trib 30277 (CWF, MF)
 Application received: July 6, 2022
 Issued: October 19, 2022

ESCGP # 3 **ESG295822022-00**
 Applicant Name **Chesapeake Appalachia, LLC**
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 Township(s) Auburn Township

County **Susquehanna County**
 Receiving Stream(s) and Classification(s) UNT to Tuscarora Creek (CWF, MF)
 Application received: September 6, 2022
 Issued: October 25, 2022

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

Contact: D. J. Stevenson, 412-442-4281.

ESCGP#3 **ESG070222001-00**
 Applicant Name **Hyperion Midstream, LLC**
 Contact Person Brian Dillemath
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 Township(s) Allegheny County
 County **Elizabeth Township**
 Receiving Stream(s) and Classification(s) Trib 39541 to Fallen Timber Run WWF
 Application received: May 25, 2022
 Issued: October 14, 2022

ESCGP#3 **ESG076322007-00**
 Applicant Name **Markwest Liberty Midstream & Resources, LLC**
 Contact Person Brian Elliott
 Address 4600 J Barry Court, Suite 500
 City, State, Zip Canonsburg, PA 15317
 Township(s) Buffalo Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) UNT to Wolf Run HQ-WWF UNT to Buffalo Creek HQ-WWF
 Application received: June 6, 2022
 Issued: October 5, 2022

ESCGP#3 **ESG073022008-00**
 Applicant Name **EQM Gathering OPCO, LLC**
 Contact Person Erin Debias
 Address 2200 Energy Drive
 City, State, Zip Canonsburg, PA 15317
 Township(s) Jackson Township
 County **Greene County**
 Receiving Stream(s) and Classification(s) UNT to Toms Run WWF
 Application received: September 1, 2022
 Issued: October 25, 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.

Diana's Corner Store, Storage Tank Facility ID # **13-50526**, 23 West Lizard Creek Road, Lehighon, PA 18235, East Penn Township, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lehighon Patel Kwik Stop LLC, 23 West Lizard Creek Road, Lehighon, PA 18235 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting Statewide health and site-specific standards.

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

Contact: Ellen Roberts.

Reds Place For Car Care, Storage Tank Facility ID # **37-20525**, 101 S. New Castle St, New Wilmington, PA 16142, New Wilmington Borough, **Lawrence County**. Letterle & Associates, 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of Ronald E Proudfoot, 101 S New Castle Street, New Wilmington, PA 16142 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential and nonresidential site-specific standards.

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

Contact: Gregory Bowman, Environmental Group Manager, 717-705-4705.

Former McGinness Airfield, Storage Tank Facility ID # **36-98067**, 1020 Manor Street, Columbia, PA 17512-1828, Columbia Borough, **Lancaster County**. ECS Mid-Atlantic, LLC, 145 Lake Drive, Suite 102, Wexford, PA

15090, on behalf of Columbia Borough, 308 Locust Street, Columbia, PA 17512 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

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

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

Turkey Hill 176, Storage Tank Facility ID # **15-40728**, 3026 Horseshoe Pike, Honeybrook, PA 19334, Honey Brook Township, **Chester County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Turkey Hill Minit Markets, LLC, 165 Flanders Rd, Westborough, MA 01581 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Edward J Dougherty, Storage Tank Facility ID # **46-07027**, 1780 Sumneytown Pike, Kulpsville, PA 19443, Towamencin Township, **Montgomery County**. August Mack Environmental, Inc., 806 Fayette Street, Conshohocken, PA 19428, on behalf of Former Sumneytown Gulf, 1780 Sumneytown Pike, Lansdale, PA 19446 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Woodland Gardens, Storage Tank Facility ID # **23-34639**, 553 Church Ln., Yeadon, PA 19050, Yeadon Borough, **Delaware County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Mr. Nicholas Canavati, 209 Hazel Ridge Drive, Wilmington, DE 19810 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

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 descrip-

tion 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.

Capital Trailways, Storage Tank Facility ID # **54-22101**, 2650 Woodglen Road, Pottsville, PA 17901, City of Pottsville, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of JAM Woodglen LLC, P.O. Box 472, Schuylkill Haven, PA 17972 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on October 24, 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.

Havertown Auto, Storage Tank Facility ID # **23-43603**, 819 West Chester Pike, Havertown, PA 19083, Haverford Township, **Delaware County**. Rickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Mr. Robert Mulhern, 917 General Drive, West Chester, PA 19380 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on October 19, 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.

Best Deal Tire Center, Storage Tank Facility ID # **02-07379**, 89 Clever Road, McKees Rocks, PA 15136, Kennedy Township, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720, on behalf of Bill Ostapchenko, 89 Clever Road, McKees Rocks, PA 15136 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report residential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on October 18, 2022.

SPECIAL NOTICES

WATER PROGRAMS

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

Contact: RA-EPNPDES_NERO@pa.gov.

Public Hearing for Intent to Issue NPDES Permit No. PA0029149 to Pocono Manor Investors, LP.

Notice is hereby given pursuant to 25 Pa. Code § 92a.83 that the Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing on December 7, 2022, starting at 6:00 p.m. at Tunkhannock Township Volunteer Fire Company Hall, 1539 Long Pond Road, Long Pond, PA 18334.

The purpose of the public hearing is to take testimony concerning DEP's intent to issue NPDES Permit No. PA0029149 to Pocono Manor Investors LP, P.O. Box 38, Pocono Manor, PA 18348 for the discharge of treated sewage from The Inn At Pocono Manor to Swiftwater Creek (EV (existing use)) located at Route 314 Pocono Manor, PA 18349 in Pocono Township, Monroe County.

In accordance with 25 Pa. Code § 92a.82, DEP published notice of the draft NPDES permit in the *Pennsylvania Bulletin* on July 23, 2022 to allow for public comment regarding this proposal. Appointments may be made to review the DEP files on this case by calling the File Review Coordinator at 570-826-2511.

DEP will accept and record testimony concerning Pocono Manor Investor's application. Persons wishing to present testimony at the hearing should contact DEP's Community Relations Coordinator at coconnolly@pa.gov or 570-826-2511 before 4:00 p.m. on December 6, 2022. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who notify DEP in advance will be given priority on the agenda. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. DEP requests that attendees limit their testimony to no more than 5 minutes per person so that all individuals have the opportunity to participate. Relinquishing time to others will not be allowed. Also, DEP requests that comments stay within the scope of the meeting, particularly questions and comments related to draft NPDES Permit No. PA0029149.

Persons unable to attend the hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Pennsylvania Department of Environmental Protection, Clean Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915 or RA-EPNPDES_NERO@pa.gov. Written submittals must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed draft NPDES Permit No. (PA0029149).
- Concise statements regarding the relevancy of the information or objections to issuance of the NPDES Permit.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

WASTE, AIR, RADIATION AND REMEDIATION

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101.

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

Contact: Joseph L. Delgrippe, Regional Planning & Recycling Coordinator, 570-916-8648.

The Department of Environmental Protection (Department) approved the Potter County Municipal Waste Plan Revision on October 19, 2022.

Persons aggrieved by an action may appeal, 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 the 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. 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 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, 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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Joseph L. DelGrippe, Regional Planning and Recycling Coordinator, Waste Management Program, at the Northcentral Regional Office at 570-916-8648.

[Pa.B. Doc. No. 22-1699. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where

each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Draft TGD: Substantive Revision

DEP ID: 381-2188-005. **Title:** Small Flow Treatment Facility Manual. **Description:** The purpose of this document is to provide guidance regarding the design, permitting, installation, operation and maintenance of domestic wastewater treatment facilities with flows not greater than 2,000 gallons per day.

The manual has not been revised since 2006. The manual has been updated, including:

- Added definitions—existing manual had no section containing definitions.
- Added organic design criteria—existing manual was based on hydraulic loading only.
- Added section on pretreatment for food preparation facilities—oil and grease from restaurants can cause problems with small flow systems unless it is removed prior to entering the system.
- Added specifications for trenching, bedding, haunching and initial backfill, final backfill, deflection testing and joints.
- Revised sand specifications—existing sand specifications were based on the Department of Transportation (PennDOT) sand, which is nonuniform and packs densely with a minimum of air space. This makes for good concrete but is the opposite of the sand desired for sand filters. In addition, some of the sand that was specified in the existing manual has been discontinued and is no longer available making compliance with the manual impossible. Furthermore, the ranges of materials (such as sand) specified in the existing manual were excessively broad. The revisions tighten the standards so that they reflect materials that will perform satisfactorily. Finally, the revisions require the design engineer to perform an analysis of the material and show that it will be expected to continuously meet effluent limits.
- Deleted the CO-OP RFS III recirculating sand filter.
- Added section allowing the use of proprietary technologies that have been evaluated and approved by the Bureau of Clean Water. It has been determined that several technologies are capable of meeting the specified effluent limits, with greater than 85% certainty. The revisions to this manual incorporate these technologies by reference into the manual.

- Revised dosing frequencies—provided for improved system performance.
- Added operation and maintenance requirements for sand filters and chlorine disinfection.
- Added PennDOT specifications for coarse aggregate—eliminates the need to consult multiple documents in the design process.

Written Comments: Interested persons may submit written comments on this draft TGD through Tuesday, January 3, 2023. Comments, including comments submitted by e-mail must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Contact: Questions regarding this TGD can be directed to Jay Patel at jaypatel@pa.gov or (717) 787-5017.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1700. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Citizens Advisory Council and Environmental Justice Advisory Board Joint Meeting

The Citizens Advisory Council (Council) will meet at 12:30 p.m. on Tuesday, November 15, 2022, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This will be a combined meeting of the Council and the Environmental Justice Advisory Board. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Keith Salador at ksalador@pa.gov or (717) 787-8171.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Council's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Citizens Advisory Council," then "Meetings").

Individuals are encouraged to visit the Council's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 15, 2022, meeting can be directed to Keith Salador at ksalador@pa.gov or (717) 787-8171.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Keith Salador at (717) 787-8171 or through the

Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1701. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04)

The Department of Environmental Protection (Department) is announcing the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Flow Treatment Facilities (SFTF) (PAG-04). To access the draft General Permit and related documents, visit www.dep.greenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "Draft—PAG-04 NPDES General Permit for Discharges from Small Flow Treatment Facilities").

The PAG-04 General Permit is intended to provide NPDES permit coverage to existing or proposed SFTFs. SFTFs are treatment works designed to adequately treat sewage flows of not greater than 2,000 gallons per day for final disposal to surface waters. The General Permit may not be used to cover other types of treatment facilities including those that process industrial wastes.

The following significant changes are proposed in the draft PAG-04 General Permit in comparison to the PAG-04 General Permit that is currently in effect, which expired on May 11, 2019, and has been extended to May 11, 2023:

- The proposed Notice of Intent (NOI) fee would increase from \$0 to \$100 for single residence sewage treatment plants (SRSTP), and from \$100 to \$1,000 for SFTFs that are not SRSTPs (paid in increments of \$200 per year).

- A definition of "service provider" has been proposed to address the qualifications of those performing annual inspections of an SFTF. In addition, a definition of "proprietary system" would be introduced to clarify that service providers for these systems would need to be certified by the manufacturer to provide operation and maintenance services.

- The existing General Permit restricts the use of PAG-04 to only those SFTF technologies that are identified in the Department's Small Flow Treatment Facilities Manual (DEP ID: 362-0300-002). The Department is proposing to expand the applicability of PAG-04 to any technology that the Department's Bureau of Clean Water has evaluated and determined capable of achieving the effluent limitations in Part A of the General Permit. The technologies include proprietary systems that have been reviewed and verified to achieve advanced secondary treatment standards of ≤ 10 milligrams per liter (mg/L) of 5-day carbonaceous biochemical oxygen demand and of

≤ 10 mg/L total suspended solids and disinfection to a fecal coliform level ≤ 200 colony forming units/100 milliliters.

- Instructions have been developed by the Department to assist permittees in completing Annual Maintenance Reports (AMR) (3800-PM-BCW0093f).

- The reporting period for annual reports would be transitioned from the current period of June 1—May 1 to a calendar year for administrative purposes. AMRs would continue to be due by June 30.

- The existing General Permit requires annual pumping of dosing tanks and aerobic tanks. The Department proposes to clarify that dosing tanks only need to be pumped when solids are observed in the tank that have the potential to affect downstream units (such as filters). The Department also proposes to remove the requirement to pump aerobic tanks annually because doing so may affect the biological integrity of the system; instead, the Department will note on the AMR that aerobic tanks should be pumped (or have solids removed) as recommended by the manufacturer or service provider.

- The existing General Permit requires monthly cleaning of the ultraviolet (UV) contact surface and annual UV bulb replacement. However, some UV systems have sensors or alarms to notify the owner of reduced intensity or transmittance. The Department proposes to allow the permittee with an alarm system to conduct maintenance when notified that it is necessary by an alarm system.

- The existing General Permit utilized the AMR to serve as the NOI for annual coverage under PAG-04. New coverage was approved without an expiration date of coverage identified. The Department proposes to no longer utilize the AMR as an NOI for annual coverage under the reissued General Permit. The Department will notify PAG-04 permittees of the mechanism that must be used to continue coverage under a modified or reissued General Permit and new coverage will specify an expiration date of coverage that corresponds to the PAG-04 expiration date.

Written Comments: Interested persons are invited to submit written comments regarding the draft PAG-04 General Permit and associated documents through Monday, December 5, 2022. Comments, including comments submitted by e-mail must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Written comments submitted during the 30-day comment period will be retained by the Department and considered in finalizing the General Permit. The Department will provide an opportunity for any interested person or group of persons, any affected State, any affected interstate agency, the United States Environmental Protection Agency or any interested agency to request or petition for a public hearing with respect to the proposed General Permit. The request or petition for public hearing, which must be filed within the 30-day period allowed for filing of written comments, must

indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held if there is significant public interest.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1702. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Water Quality Management General Permit for Small Flow Treatment Facilities (WQG-01)

The Department of Environmental Protection (Department) is announcing the availability of draft amendments to the Water Quality Management (WQM) General Permit for Small Flow Treatment Facilities (SFTF) (WQG-01). To access the draft amended General Permit and related documents visit www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "Draft—WQG-01 WQM General Permit for Small Flow Treatment Facilities").

The WQG-01 General Permit is intended to provide coverage to persons constructing and operating domestic wastewater treatment facilities with flows not greater than 2,000 gallons per day.

The modifications that the Department is proposing to make through amendment of the WQG-01 General Permit are as follows:

1. A proposed clarification to the size of system that may receive coverage under the general permit. The term "Design Daily Flow" is used in the current permit. To clarify the meaning of the term, the Department proposes to use the term "Design Maximum Daily Flow" as indicated in the Notice of Intent (NOI) and NOI instructions.

2. The CO-OP RFS III system is proposed for removal from coverage under the general permit. This specific system design is rarely received in proposal as SFTF in WQM permit received by the Department.

3. A new category of systems is proposed for coverage under the general permit in addition to the systems currently eligible for coverage under the WQG-01 General Permit. Proprietary systems that have been evaluated as SFTFs by the Department's Bureau of Clean Water and that meet the average monthly effluent standard of 10 milligrams per liter (mg/L) for 5-day carbonaceous biochemical oxygen demand, 10 mg/L for total suspended solids and 200 colony forming units/100 milliliters for fecal coliform are consistent with the Department's Small Flow Treatment Facility Manual (DEP ID: 381-2188-005) and may be approved for coverage under WQG-01 and under the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from SFTFs (PAG-04). As of the publication date of this permit, technologies that have been evaluated by the Department's Bureau of Clean Water and have been determined to be capable of achieving the relevant effluent limitations when used in conjunction with disinfection are listed in the Department's Small Flow Treatment Facilities Manual.

4. Operation and maintenance standard conditions have been updated to clarify the minimum operation and maintenance standards.

5. Permit eligibility requirements have been coordinated with the associated NPDES General Permit for SFTFs (PAG-04) eligibility requirements.

The Department is proposing to amend the WQG-01 General Permit as previously described. Submission of an NOI is not required for individuals who already have coverage under this General Permit and have already constructed or started constructing their SFTF. The permittee shall be responsible for complying with the final amended General Permit as published in the *Pennsylvania Bulletin*. The Department will publish notice of the receipt of NOIs in the *Pennsylvania Bulletin* and will publish notice when actions are taken by the Department to approve or deny coverage under the amended WQG-01 General Permit.

Written Comments: Interested persons are invited to submit written comments regarding the Draft WQG-01 General Permit and associated documents through Monday, December 5, 2022. Comments, including comments submitted by e-mail must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Written comments submitted during the 30-day comment period will be retained by the Department and considered in finalizing the WQG-01 General Permit. The Department will provide an opportunity for any interested person or group of persons, any affected state, any affected interstate agency, the United States Environmental Protection Agency or any interested agency to request or petition for a public hearing with respect to the proposed WQG-01 General Permit. The request or petition for public hearing, which must be filed within the 30-day period allowed for filing of written comments, must indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held if there is significant public interest.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1703. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Justice Advisory Board Meeting and Citizens Advisory Council Joint Meeting

The Environmental Justice Advisory Board (Board) will meet at 9 a.m. on Tuesday, November 15, 2022, in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board will then join the Citizens Advisory Council at 12:30 p.m. for a combined meeting in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meetings in person or remotely. Individuals interested in providing public com-

ments during the meeting are encouraged to sign up in advance by contacting Justin Dula at jdula@pa.gov or (484) 250-5820.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Environmental Justice," then "Environmental Justice Advisory Board").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 15, 2022, meeting can be directed to Justin Dula at jdula@pa.gov or (484) 250-5820.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Justin Dula at (484) 250-5820 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1704. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Reclamation Committee Meeting

The Mining and Reclamation Advisory Board's (Board) Reclamation Committee will meet on Wednesday, November 16, 2022, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Mining and Reclamation Advisory Board," then "2022").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 16, 2022, meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the

Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1705. Filed for public inspection November 4, 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 § 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Chandler Hall
99 Barclay Street
Newtown, PA 18940
FAC ID # 031402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j):

Willowbrooke Court at Southampton Estates
238 Street Road
Southampton, PA 18966
FAC ID # 151302

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department

and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1706. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

State Child Death Review Team Meeting

The State Child Death Review (CDR) Team established under the Public Health Child Death Review Act (11 P.S. §§ 2150.1—2150.20), will hold a public meeting on Wednesday, November 9, 2022. The meeting will be held at the Sheraton Hershey Harrisburg, 4650 Lindle Road, Harrisburg, PA 17111 from 10 a.m. to 3 p.m.

Meeting materials will be available at the public meeting. Contact Christina Phillips at christiphi@pa.gov with any questions and to register for the meeting.

The Department of Health's CDR Program provides training and technical assistance to local CDR teams. The State CDR Team is a multidisciplinary team comprised of local professionals and representatives of State agencies who review data submitted by local CDR teams, develop protocols for CDRs and develop child death prevention strategies. This meeting will focus on suicide deaths.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Christina Phillips, Division of Bureau Operations, at (717) 346-3000 or for speech and/or hearing-impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1707. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Addition to the Medical Assistance Program Fee Schedule for the Administration of a Booster Dose of the SARS-CoV-2 Vaccine Manufactured by Moderna, Inc.

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of the following procedure code to the Medical Assistance (MA) Program Fee Schedule for the administration of a booster dose of the novel coronavirus (SARS-CoV-2) vaccine manufactured by Moderna, Inc. The effective date and MA Fee are indicated as follows.

| Vaccine Manufacturer | Procedure Code | Description | Effective Date | MA Fee |
|----------------------|----------------|---|----------------|--------|
| Moderna, Inc. | 0094A | Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, preservative free, 50 mcg/0.5 mL dosage; booster dose | 3/29/22 | \$40 |

The MA Program Fee Schedule has been updated with the new Current Procedural Terminology (CPT) code to allow for payment of the administration of a booster dose of the SARS-CoV-2 vaccine manufactured by Moderna, Inc.

The Department issued an MA Bulletin to enrolled providers to advise them of the addition of the CPT code for the administration of a booster dose of the SARS-CoV-2 vaccine manufactured by Moderna, Inc. to the MA Fee Schedule.

Fiscal Impact

There is no fiscal impact associated with the addition of this procedure code.

Public Comment

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

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1544. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-1708. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle XXXII Raffle Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle lottery game is Pennsylvania Millionaire Raffle XXXII.

2. *Price:* The price of one Pennsylvania Millionaire Raffle XXXII lottery game ticket is \$20.

3. *Ticket sales and drawing date:* Pennsylvania Millionaire Raffle XXXII lottery game ticket sales will commence on or after November 8, 2022 and will continue until all 500,000 tickets have been sold, or 8:00 p.m. on January 7, 2023, whichever occurs earlier.

4. *Ticket characteristics:* Each Pennsylvania Millionaire Raffle XXXII lottery game ticket will contain one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.

5. *Prizes:* The prizes that can be won in this raffle lottery game are \$100, \$1,000, \$100,000 and \$1,000,000.

6. *Maximum number of tickets printed and sold for the game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XXXII lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Weekly Drawings:*

(a) *Conduct of the Weekly Drawings:* The Lottery will conduct eight Weekly Drawings, each of which will award two prizes of \$50,000, for a total of 16 prizes.

(1) Each ticket purchased during the entry period for each Weekly Drawing will be automatically entered into that week's Weekly Drawing, as described in section 7(b) (relating to Weekly Drawing entry periods), as well as the Millionaire Raffle Drawing on January 7, 2023, as described in section 8 (relating to conduct of Millionaire Raffle Drawing).

(2) A computer-generated randomizer will be used to conduct each Weekly Drawing. Two unique eight-digit numbers will be drawn from the range of numbers representing the chances sold during each Weekly Drawing entry period. Each of the two unique eight-digit numbers drawn will be a winning number.

(3) The winning ticket numbers for each Weekly Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(b) *Weekly Drawing entry periods:*

(1) All tickets sold between November 8, 2022, at 4:59:59 a.m. and November 14, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 1, held between November 15, 2022 and November 21, 2022, with winners announced by November 21, 2022.

(2) All tickets sold between November 15, 2022 at 12:00:00 a.m. and November 21, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 2, held between November 22, 2022 and November 29, 2022, with winners announced by November 29, 2022.

(3) All tickets sold between November 22, 2022 at 12:00:00 a.m. and November 28, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 3, held between November 29, 2022 and December 5, 2022, with winners announced by December 5, 2022.

(4) All tickets sold between November 29, 2022 at 12:00:00 a.m. and December 5, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 4, held between December 6, 2022 and December 12, 2022, with winners announced by December 12, 2022.

(5) All tickets sold between December 6, 2022 at 12:00:00 a.m. and December 12, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 5, held between December 13, 2022 and December 19, 2022, with winners announced by December 19, 2022.

(6) All tickets sold between December 13, 2022 at 12:00:00 a.m. and December 19, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 6, held between December 20, 2022 and December 26, 2022, with winners announced by December 26, 2022.

(7) All tickets sold between December 20, 2022 at 12:00:00 a.m. and December 26, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 7, held between December 27, 2022 and January 2, 2023, with winners announced by January 2, 2023.

(8) All tickets sold between December 27, 2022 at 12:00:00 a.m. and January 2, 2023 at 11:59:59 p.m. will be entered into Weekly Drawing 8, held between January 3, 2023 and January 7, 2023, with winners announced by January 7, 2023.

(9) All tickets sold after January 2, 2023 at 11:59:59 p.m. will only be eligible for the Millionaire Raffle drawing.

(c) *Determination of Weekly Drawing prize winners:*

(1) The first and second unique eight-digit numbers drawn from among the tickets automatically entered into each of the Weekly Drawings will be winning numbers and the holders of the tickets that match either of those winning numbers shall be entitled to a prize of \$50,000.

(2) The tickets bearing the winning numbers from each Weekly Drawing shall be ineligible to win a prize in any subsequent Weekly Drawing, but shall be entered into the Millionaire Raffle Drawing, as described in section 8 (relating to conduct of Millionaire Raffle Drawing) and shall be eligible to win a prize described in section 9 (relating to determination of Millionaire Raffle Drawing prize winners).

(d) *Conduct of Weekly Drawings in the event that all tickets are sold:*

(1) If all lottery raffle game tickets are sold during any of the Weekly Drawing entry periods described in section 7(b) (relating to Weekly Drawing entry periods), the Lottery will conduct the Weekly Drawing for that entry period from among all tickets sold during that entry period. For all subsequent Weekly Drawings, all non-winning tickets from the prior Weekly Drawing(s) will be eligible to be entered into any remaining Weekly Drawings, subject to section 7(d)(2).

(2) A winning ticket selected in any Weekly Drawing conducted under subsection 7(d) (relating to conduct of Weekly Drawings in the event that all tickets are sold) will be ineligible to win in any subsequent Weekly Drawings conducted under this subsection.

(e) The odds of an entry being selected in each Weekly Drawing depends upon the number of tickets sold during the entry period for each Weekly Drawing.

(f) The entry periods for the Weekly Drawings will be posted to the Pennsylvania Lottery’s publicly accessible web site.

8. *Conduct of Millionaire Raffle Drawing:* The results of the Pennsylvania Millionaire Raffle XXXII lottery game will be posted to the Lottery’s publicly accessible web site on January 7, 2023, after 10:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers. A player may only win one time on each ticket or chance for the Millionaire Raffle Drawing.

9. *Determination of Millionaire Raffle Drawing prize winners:*

(a) Holders of tickets upon which the unique eight-digit number exactly matches one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number exactly matches one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number exactly matches one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number exactly matches one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

10. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XXXII lottery game prizes and determination of winners are as follows:

| <i>Ticket Matching Exactly the Unique Eight-digit Number Drawn:</i> | <i>Win Prize Of:</i> | <i>Maximum Odds Of Winning Are 1 In:</i> | <i>Number Of Winners:</i> |
|---|----------------------|--|---------------------------|
| First-Prize-Tier | \$1,000,000 | 125,000 | 4 |
| Second-Prize-Tier | \$100,000 | 125,000 | 4 |
| Third-Prize-Tier | \$1,000 | 5,000 | 100 |
| Fourth-Prize-Tier | \$100 | 84.86 | 5,892 |

The odds of winning are based on selling all 500,000 tickets. If all 500,000 tickets are not sold, the odds of winning will depend on the total number of tickets sold. All Pennsylvania Millionaire Raffle XXXII lottery game prize payments, including first-prize-tier prizes, will be made as one-time, lump-sum cash payments. All required income tax withholding will be automatically deducted from the lump-sum cash payment for all first-prize-tier and second-prize-tier prizes.

11. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XXXII lottery game tick-

ets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote the Pennsylvania Millionaire Raffle XXXII lottery game or through normal communications methods.

12. *Retailer Bonus:* The Lottery in its sole discretion may offer a retailer bonus in connection with the sale of Pennsylvania Millionaire Raffle XXXII 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. A Lottery retailer is entitled only to the largest bonus for which they qualify for on a winning ticket. A bonus will be initiated for payment after the winning ticket is claimed and validated or approximately 30 days after the date of the drawing in which the winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery retailer that sells a Pennsylvania Lottery Millionaire Raffle XXXII ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize in that second-chance drawing or promotion.

13. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XXXII lottery game. If the Lottery does conduct such a promotional drawing, Pennsylvania Millionaire Raffle XXXII lottery game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Pennsylvania Millionaire Raffle XXXII drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible web site. A copy of the same will also be kept on file with the Lottery and will be available upon request.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XXXII lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

15. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XXXII lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XXXII lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XXXII lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

16. *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.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1709. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF STATE

Publication of Proposed Constitutional Amendments

In accordance with section 801(b)(2) of The Administrative Code of 1929 (71 P.S. § 271(b)(2)), I do hereby certify to each member of the General Assembly, the Secretary of the Senate, the Chief Clerk of the House of Representatives, the Parliamentarian of the House of Representatives and the Legislative Reference Bureau that publication of the proposed constitutional amendments in Joint Resolution 2021-2 (formerly House Bill 14) and Joint Resolution 2022-1 (formerly Senate Bill 106) was completed in compliance with Article XI, Section 1 of the Pennsylvania Constitution.

Witness my hand and the seal of my office this 20th day of October 2022.

LEIGH M. CHAPMAN,
Acting Secretary

[Pa.B. Doc. No. 22-1710. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Green Light—Go: Pennsylvania's Municipal Signal Partnership Program; Invitation to Submit Applications

Under 74 Pa.C.S. Chapter 92 (relating to traffic signals) and 75 Pa.C.S. § 9511(e.1) (relating to allocation of proceeds), the Department of Transportation (Department) established the Green Light—Go: Pennsylvania's Municipal Signal Partnership Program, also known as the Green Light—Go Program. The Green Light—Go Program is a competitive application and reimbursement grant program whereby municipalities and metropolitan or rural planning organizations can request financial assistance to replace, synchronize, time, operate and maintain traffic signals. A 20% match from grantees is required under 75 Pa.C.S. § 9511(e.1)(4).

During Fiscal Year 2023-2024, it is anticipated approximately \$40 million will be available to municipalities and metropolitan or rural planning organizations for upgrading traffic signals to light-emitting diode technology and intelligent transportation applications, such as autonomous and connected vehicle-related technology, performing regional operations such as retiming, developing special event plans, monitoring traffic signals and for maintaining and operating traffic signals.

Additional information on eligible Green Light—Go Program projects and the program guidelines can be found on the Department's Traffic Signal web site at <http://www.dot.state.pa.us/signals> including a link to the online electronic application. Supporting documents may be attached to the online application. Only the application and supporting documents attached to the online application will be considered. Paper copies are not required.

The Department invites municipalities and metropolitan or rural planning organizations to submit electronic Green Light—Go Program applications between January 3, 2023, and January 31, 2023. Prior to application submission, applicants must complete and submit a Pre-Application Project Scoping Form to the Bureau of Operations in accordance with the Green Light—Go Program Guidelines. Pre-Application Project Scoping Forms will be accepted until December 23, 2022. In addition to the electronic application, applicants must update information in the Department's Traffic Signal Asset Management System as indicated in the Green Light—Go Program guidelines posted on the Department's Traffic Signal web site.

If municipalities or metropolitan or rural planning organizations are awarded funding, all grant agreements and requests for reimbursement will be processed through the Commonwealth's Electronic Single Application for Assistance system.

Questions should be directed to Michael Centi, Senior Traffic Control Specialist, Bureau of Maintenance and Operations, Department of Transportation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 787-5313, GLG@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-1711. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Inspection Advisory Board Meeting

The Inspection Advisory Board (Board) will meet on Wednesday, November 9, 2022. The meeting will begin at 11 a.m. at the Riverfront Office Center, Transportation University, Room 408, 1101 South Front Street, Harrisburg, PA. Chairperson Stephen J. Madrak will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to inspection regulations must contact Tim Langletz at (717) 787-2895 by 12 p.m., Monday, November 7, 2022. These concerns will be discussed during "Items from the Floor" on the agenda. The agenda will be posted a minimum of 24 hours prior to the start of the meeting at <http://www.dmv.pa.gov/> in the Inspection Information page under the Vehicles Services tab.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Tim Langletz at (717) 787-2895 prior to the meeting so that disability needs may be accommodated.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-1712. Filed for public inspection November 4, 2022, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, November 18, 2022. The meeting will begin at 10 a.m. at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Kara N. Templeton will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Robert Dowling at (717) 783-4534 by Friday, November 11, 2022. These concerns will be discussed during "Items from the Floor" on the agenda, which will open at 12 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Robert Dowling at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-1713. Filed for public inspection November 4, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Changes to List of Class A Wild Trout Waters; October 2022

The Fish and Boat Commission (Commission) approved the addition of one stream section to its list of Class A wild trout streams. The proposed changes were set forth at 52 Pa.B. 5041 (August 13, 2022). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1714. Filed for public inspection November 4, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Changes; October 2022

The Fish and Boat Commission (Commission) approved the addition of 45 new waters to its list of wild trout streams and the revision of one section limit of a water currently listed, as set forth at 52 Pa.B. 5038 (August 13,

2022). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission’s Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission’s web site at www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1715. Filed for public inspection November 4, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designations

The Fish and Boat Commission (Commission) took the following actions with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.4c. All-tackle trout slot limit

The Commission added the following water to its list of “all-tackle trout slot limit” waters regulated and managed under 58 Pa. Code § 65.4c (relating to all-tackle trout slot limit):

| County | Water |
|--------------------|-------------------------|
| Centre and Mifflin | Penns Creek, Section 03 |

58 Pa. Code § 65.4d. Artificial lures only trout slot limit

The Commission added the following waters to its list of “artificial lures only trout slot limit” waters regulated and managed under 58 Pa. Code § 65.4d (relating to artificial lures only trout slot limit):

| County | Water |
|-------------|----------------------------|
| York | Codorus Creek, Section 04 |
| Northampton | Monocacy Creek, Section 07 |
| Northampton | Saucon Creek, Section 05 |

58 Pa. Code § 65.7. Trophy trout artificial lures only

The Commission removed the following waters from its list of “trophy trout artificial lures only” waters regulated and managed under 58 Pa. Code § 65.7 (relating to trophy trout artificial lures only):

| County | Water |
|-------------|----------------------------|
| York | Codorus Creek, Section 04 |
| Northampton | Monocacy Creek, Section 07 |
| Northampton | Saucon Creek, Section 05 |

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-1716. Filed for public inspection November 4, 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, October 20, 2022, and announced the following:

Actions Taken—Regulations Approved:

State Board of Auctioneer Examiners # 16A-6411: Fees (amends 49 Pa. Code § 1.41)

State Board of Education # 6-352: Student Attendance and Student and Student Services (Final-Omit) (amends 22 Pa. Code Chapters 11 and 12)

State Architects Licensure Board # 16A-4111: Digital Signature and Seal (amends 49 Pa. Code Chapter 9 by adding §§ 9.140, and 9.141a and amending §§ 9.141, 9.145 and 9.146)

State Registration Board for Professional Engineers, Land Surveyors and Geologists # 16A-4712: Digital Signature and Seal (amends 49 Pa. Code Sections 37.56a and 37.57—37.6)

State Board of Landscape Architects # 16A-6112: Digital Signature and Seal (amends 49 Pa. Code Chapter 15)

Department of Health # 10-219: Medical Marijuana (amends 28 Pa. Code Sections 1131, 1141, 1141a, 1151, 1151a, 1161, 1161a, 1171, 1171a, 1181, 1181a, 1191, 1191a, 1211, 1211a, 1230 and 1230a)

Approval Order

Public Meeting Held
October 20, 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 Auctioneer Examiners— Fees Regulation No. 16A-6411 (# 3337)

On March 10, 2022, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Auctioneer Examiners (Board). This rulemaking amends 49 Pa. Code § 1.41. The proposed regulation was published in the March 26, 2022 *Pennsylvania Bulletin* with a public comment period ending on April 25, 2022. The final-form regulation was submitted to the Commission on September 19, 2022.

This rulemaking will increase the following application fees on a graduated basis: auctioneer, apprentice auctioneer, auction company, trading assistant, trading assistant company, special license, and course of study. It will also increase the graduated biennial renewal fees for the following licenses and registrations: auctioneer, apprentice auctioneer, auction company, trading assistant, and trading assistant company.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 734.6(a) and (b)) 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
October 20, 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 Education—
Student Attendance and Students and Student Services
Regulation No. 6-352 (# 3354)*

On August 22, 2022, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapters 11 and 12. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation makes technical amendments to conform Chapters 11 and 12 to the definition of “compulsory school age” in Section 1326 of the Public School Code of 1949. 24 P.S. § 13-1326.

We have determined this regulation is consistent with the statutory authority of the Board (24 P.S. §§ 26-2603-B(a) and 26-2604-B(b)(2)(v)) 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
October 20, 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 Architects Licensure Board—
Digital Signature and Seal
Regulation No. 16A-4111 (# 3263)*

On August 11, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Architects Licensure Board (Board). This rulemaking amends 49 Pa. Code Chapter 9 by adding §§ 9.140, and 9.141a and amending §§ 9.141, 9.145 and 9.146. The proposed regulation was published in the August 22, 2020 *Pennsylvania Bulletin* with a public comment period ending on September 21, 2020. The final-form regulation was submitted to the Commission on August 31, 2022.

This rulemaking provides for the use of digital signatures and seals on architectural documents. Specifically, it sets forth the definitions and requirements for use, including the surrender of digital seals and signatures, and compromised digital seals and signatures.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 34.6(a) and 34.12)) 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
October 20, 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 Registration Board for Professional Engineers,
Land Surveyors and Geologists—
Digital Signature and Seal
Regulation No. 16A-4712 (# 3264)*

On August 11, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board). This rulemaking amends 49 Pa. Code Sections 37.56a and 37.57—37.6. The proposed regulation was published in the August 22, 2020 *Pennsylvania Bulletin* with a public comment period ending on September 21, 2020. The final-form regulation was submitted to the Commission on August 31, 2022.

This regulation adopts standards for professional engineers, land surveyors, and geologists who utilize digital seals and signatures.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. Sections 151(1) and 154) 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
October 20, 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 Landscape Architects—
Digital Signature and Seal
Regulation No. 16A-6112 (# 3265)*

On August 11, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Landscape Architects (Board). This rulemaking amends 49 Pa. Code Chapter 15. The proposed regulation was published in the August 22, 2020 *Pennsylvania Bulletin* with a public comment period ending on September 21, 2020. The final-form regulation was submitted to the Commission on August 31, 2022.

This final-form regulation adopts definitions and requirements for use of digital seals and signatures on work products issued by landscape architects.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 904(9) and 909) 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
October 20, 2022

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson, Abstaining;
John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A.
Watson, Esq.

*Department of Health—
Medical Marijuana
Regulation No. 10-219 (# 3290)*

On February 16, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Sections 1131, 1141, 1141a, 1151, 1151a, 1161, 1161a, 1171, 1171a, 1181, 1181a, 1191, 1191a, 1211, 1211a, 1230, and 1230a. The proposed regulation was published in the March 6, 2021

Pennsylvania Bulletin with a public comment period ending on April 5, 2021. The final-form regulation was submitted to the Commission on September 19, 2022.

This regulation implements the state's Medical Marijuana Program, replacing the current temporary regulations with permanent regulations.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. § 10231.301(b)) 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. 22-1717. Filed for public inspection November 4, 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> |
|-----------------|--|---|-----------------------------|
| 7-574 | Environmental Quality Board Radiological Health Fees 52 Pa.B. 5500 (August 27, 2022) | 9/26/22 | 10/26/22 |

Environmental Quality Board Regulation # 7-574 (IRRC # 3352)

Radiological Health Fees

October 26, 2022

We submit for your consideration the following comments on the proposed rulemaking published in the August 27, 2022 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. Chapter 218, Appendix A. Fees for Radioactive Material Licenses.—Statutory authority; Reasonableness; Need.

Fee Categories 4A, 5B and 14

The full cost recovery fee for licenses in categories 4A, 5B and 14 is currently \$225 per hour and is proposed to be increased by 22 percent to \$275 per hour. This fee is assessed for decontamination and decommissioning activities performed by the Department of Environmental Protection (Department) and covers personnel and incidental charges. We have two issues. First, the Preamble and Regulatory Analysis Form (RAF) submitted with this proposed regulation state the fees in Chapter 218, Appendix A are increased by ten percent. Second, the Board

does not explain the need to raise this fee. We ask the Board to revise the Preamble and RAF submitted with the final-form regulation to reflect the percentage increase of the full cost recovery fee. Further, we ask the Board to explain why this increase is needed and reasonable.

Fee Category 6A

The annual fee for a nuclear laundry license is currently \$43,200 and is proposed to be increased by ten percent to \$47,520. A commentator who holds this license believes the fee was initially based on information received from the United States Nuclear Regulatory Commission, which “was likely skewed by excessive hours devoted. . .to oversight related to a condition that no longer exists.” The commentator is also licensed in seven other states, where fees range from \$4,000 to \$18,284. The commentator goes on to request a reduction in this fee to a reasonable standard in consideration of actual costs incurred by the Department. Section 401 of the Radiation Protection Act (Act), the statutory authority for this proposed regulation, requires the Board to “set reasonable annual fees” to provide the Department with sufficient funds to administer the Radiation Protection Program. 35 P.S. § 7110.401. In addition to addressing the commentator's concerns, we ask the Board to explain why this fee, and the proposed increase, is reasonable and how it complies with the requirement in the Act.

2. RAF—Clarity; Economic or fiscal impact.

The estimates of costs to local governments in RAF Question # 20 and state government in RAF # 21 to comply with this proposed regulation conflict with the estimates for these regulated communities in RAF Question # 23. We ask the Board to update the RAF submitted with the final-form regulation to provide consistent cost estimates.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-1718. Filed for public inspection November 4, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of Proposed Merger of HealthAssurance Pennsylvania, Inc. with and into Aetna Life Insurance Company

An application has been received requesting approval of the merger of HealthAssurance Pennsylvania, Inc., a Pennsylvania domestic risk-assuming preferred provider organization with and into Aetna Life Insurance Company, a foreign stock life insurance company that was organized under the Laws of Connecticut. The initial filing was received on October 19, 2022, and was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1414).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 21 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 or by e-mail to syerger@pa.gov. Comments received will be forwarded to the applicant for an appropriate response.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1719. Filed for public inspection November 4, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Nicholas Arbutina; Consent Order; Doc. No. CO21-11-004

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) except as modified by order.

A prehearing telephone conference initiated by this office is scheduled for December 2, 2022, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 30, 2022. A hearing will occur on December 14, 2022, at 9:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 19102.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before November 18, 2022. 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 November 30, 2022.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1720. Filed for public inspection November 4, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Emil Kesselring; License Denial Appeal; Doc. No. AG22-10-017

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Emil Kesselring 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 November 28, 2022, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 22, 2022. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before November 14, 2022. 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 November 22, 2022.

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. 22-1721. Filed for public inspection November 4, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

MedAmerica Insurance Company (SERFF # TRIP-133436940); Rate Increase Filing for Several LTC Forms; Rate Filing

MedAmerica Insurance Company is requesting approval to increase the proposed aggregate 12.18% on 472 policyholders of MedAmerica Insurance Company forms SPL2-336-PA, SPL2-336-PA rev, FSPL2-336-PA and FSPL2-336-PA rev.

Unless formal administrative action is taken prior to January 20, 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 these filing notices, hover the cursor over the word "Consumers," then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1722. Filed for public inspection November 4, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The hearing will be governed in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Rachael L. and Jarrad Trotman; File No. 22-178-274543; Doc. No. P22-10-018; December 7, 2022, 9 a.m.

Following the hearing and receipt of the stenographic transcript, the Acting Insurance Commissioner (Acting Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Acting Commis-

sioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Acting Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1723. Filed for public inspection November 4, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

United Security Assurance Company of Pennsylvania; Rate Increase Filing for Individual LTC Form TQLTC-97-U (SERFF # USPA-133426544); Rate Filing

United Security Assurance Company of Pennsylvania is requesting approval to increase the premium 15% on 18 policyholders of United Security Assurance Company of Pennsylvania individual LTC form TQLTC-97-U.

Unless formal administrative action is taken prior to January 20, 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 these filing notices, hover the cursor over the word "Consumers," then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1724. Filed for public inspection November 4, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Unum Life Insurance Company of America; Rate Increase Filing for Group LTC Forms B.LTC, TQB.LTC, GLTC95 and TQGLTC95 (SERFF # UNUM-133413118); Rate Filing

Unum Life Insurance Company of America is requesting approval to increase the premium 24.3% on 14,885 policyholders with group LTC forms B.LTC, TQB.LTC, GLTC95 and TQGLTC95.

Unless formal administrative action is taken prior to January 20, 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 these filing notices, hover the cursor over the word "Consumers" then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Valerie Romig, Actuary, Insurance Department, Insurance Product Regula-

tion, Room 1311, Strawberry Square, Harrisburg, PA 17120, vromig@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1725. Filed for public inspection November 4, 2022, 9:00 a.m.]

OFFICE OF THE STATE FIRE COMMISSIONER

Inflation Adjustment for the Fire and Emergency Medical Service Loan Program

This notice provides information about the Fire and Emergency Medical Service Loan Program (Program) established under 35 Pa.C.S. Chapter 73, Subchapter E (relating to Fire and Emergency Medical Services Loan Program) as amended by the act of October 29, 2020 (P.L. 739, No. 91). The loan limits are to be adjusted biannually at the rate of inflation as outlined in the Consumer Price Index for All Urban Consumers for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD area for the most recent 12-month period for which the figures have been reported by the United States Department of Labor, Bureau of Labor Statistics. In accordance with 35 Pa.C.S. § 7364(b.1) (relating to assistance to fire companies and EMS companies) loan limits are increased by 8.8%.

New Lending Limits and Repayment Terms—VLAP Loans

| | <i>Maximum Loan</i> | <i>Maximum Term</i> | <i>Payment</i> |
|--------------------------------------|--|---------------------|------------------|
| Facility | \$486,000 or 50% (whichever is less) | 30 years | \$1,796.35/month |
| Aerial Apparatus | \$378,000 or 50% (whichever is less) | 30 years | \$1,397.16/month |
| Heavy Duty Rescue (GVWR 14,700+ lb.) | \$270,000 or 50% (whichever is less) | 20 years | \$1,365.89/month |
| Apparatus (New) | \$270,000 or 50% (whichever is less) (pumpers/tankers/utility/special service vehicles) | 20 years | \$1,365.89/month |
| Apparatus (Used) | \$216,000 or 80% (whichever is less) | 20 years | \$1,092.71/month |
| Ambulance* | \$135,000 or 50% (whichever is less) | 20 years | \$682.94/month |
| Light Duty Rescue | \$135,000 or 50% (whichever is less) | 20 years | \$682.94/month |
| Watercraft Rescue* | \$37,800 or 50% (whichever is less) | 10 years | \$347.81/month |
| Rehabilitation | \$86,400 or 80% (whichever is less) | 20 years | \$437.08/month |
| PennFIRS | \$4,320 or 50% (whichever is less) | 10 years | \$39.75/month |
| Equipment | \$27,000 (once per 5-year period) | 10 years | \$248.44/month |

*New or Used

New apparatus/ambulance/rescue vehicle manufactured or assembled in this Commonwealth: \$20,000 may be added to the previously listed limits. Certification is required from the manufacturer that 75% of the total cost results from the vehicle being manufactured in this Commonwealth.

Summary by Amount

| | | |
|---------------------------|------------------------------------|--------------------|
| Less than \$50,000 | — | 10 Years |
| \$50,000—\$300,000 | — | 20 Years |
| Above \$300,000 | — | 30 Years |
| (Minimum Loan is \$3,000) | Loans are at 2% interest per annum | (Effective 6/2022) |

CHARLES J. MCGARVEY, Sr.,
Acting Commissioner

[Pa.B. Doc. No. 22-1726. Filed for public inspection November 4, 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 November 21, 2022. 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 November 21, 2022. 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-2022-3033930. Swift Tri State Courier and Transport, LLC, t/a Swift Tri State (26 Hamilton Street, Rankin, Allegheny County, PA 15104) persons in airport transfer service, from points in Allegheny County, the Pittsburgh International Airport and vice versa.

A-2022-3036109. Be Safe Transport, LLC (1126 Broad Street, Collingdale, Delaware County, PA 19023) to transport persons, by motor vehicle, in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2022-3036166. Wheelie Trans, LLC (11037 Bustleton Avenue, Philadelphia, Philadelphia County, PA 19116) to transport persons, by motor vehicle, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2022-3036169. Blackstone Transportation Services, Inc. (1004 Bingham Street, Philadelphia, PA 19115) persons in limousine service, between points in Pennsylvania, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2022-3036173. Babs Ventures, LLC, t/a Babs Transportation (48 West Court Boulevard, West Lawn, Berks County, PA 19609) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Berks County, to points in Pennsylvania, and return.

A-2022-3036179. Rahman786, LLC (1600 Garret Road, Apartment G-103, Upper Darby, Delaware County, PA 19082) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2022-3036334. Sterling-Distinctive Limousine Services, LLC (9344 Stottlemeyer Road, Boonsboro, MD 21713) persons in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2022-3035895. Cool Breeze Moving and Handling, LLC (2232 Sepviva Street, Philadelphia, Philadelphia County, PA 19125) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2021-3028171. Central Cab Company (750 Somerset Street, New Brunswick, NJ 08901) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, in scheduled route service, as more thoroughly described in the original ordering paragraphs at A-00101803F0003.

A-2021-3028172. Central Cab Company (750 Somerset Street, New Brunswick, NJ 08901) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, in paratransit service, as more thoroughly described in the original ordering paragraphs at A-00101803F0006.

A-2010-2165832. Homestead Transportation, LLC (P.O. Box 1404, Lansdale, Montgomery County, PA 19446) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in call or demand service, from the Borough of Doylestown, Bucks County, and within an airline distance of 5 statute miles of the limits of said borough; excluding any right to render service in the Borough of Ivyland and the Townships of Warminster, Warrington and Warwick, all in Bucks County: so as to permit the transportation of persons in call or demand service, from points in the Borough of Silverdale, Bucks County, and within an airline distance of 12 statute miles of the limits of said borough; excluding any right, power or privilege, to render service in the Borough of Ivyland and the Townships of Warminster, Warrington and Warwick, all within Bucks County.

A-2022-3036224. Regional Medical Transportation, Inc. (1695 Huntingdon Road, Huntingdon Valley, Montgomery County, PA 19006) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Delaware and Philadelphia, to points in Pennsylvania, and return, as amended.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1727. Filed for public inspection November 4, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Wastewater Service

A-2022-3036285. Aqua Pennsylvania Wastewater, Inc. In the matter of the application of Aqua Pennsylvania Wastewater, Inc. for approval to begin to offer, render, furnish and supply wastewater service to the public in an additional portion of East Bradford Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 21, 2022. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The

documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Aqua Pennsylvania Wastewater, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010

Through and By Counsel for: Frances P. Orth, Esquire, Vice-President and Senior Managing Counsel, Aqua Pennsylvania Wastewater, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010, (610) 645-1126, FPOrth@aquamerica.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1728. Filed for public inspection November 4, 2022, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as common carriers in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than November 21, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant or attorney, or both.

Doc. No. A-22-10-04. Raqaiyah Tasnifa, LLC (512 Winfield Avenue, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

DENNIS WELDON,
Temporary Executive Director

[Pa.B. Doc. No. 22-1729. Filed for public inspection November 4, 2022, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Tomassa L. Davis, LPN; Case No. 19-51-001069

On September 9, 2022, Tomassa L. Davis, LPN, Pennsylvania license No. PN3006576, last known of Camden, NJ, was suspended based on her guilty pleas to a felony and misdemeanor crimes of moral turpitude, directly related to the practice of the profession.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov.

This order represents the final State Board of Nursing (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.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 22-1730. Filed for public inspection November 4, 2022, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's request concerning the indicated account.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

| | | |
|-------------------|---|---------|
| January 20, 2023 | Bernard R. Ryan (Deceased) Contested Death Benefit | 10 a.m. |
| February 24, 2023 | Dennis Avellino, Jr. Change Retirement Option Selection | 1 p.m. |

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. Each hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—08 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOSEPH A. TORTA,
Executive Director

[Pa.B. Doc. No. 22-1731. Filed for public inspection November 4, 2022, 9:00 a.m.]