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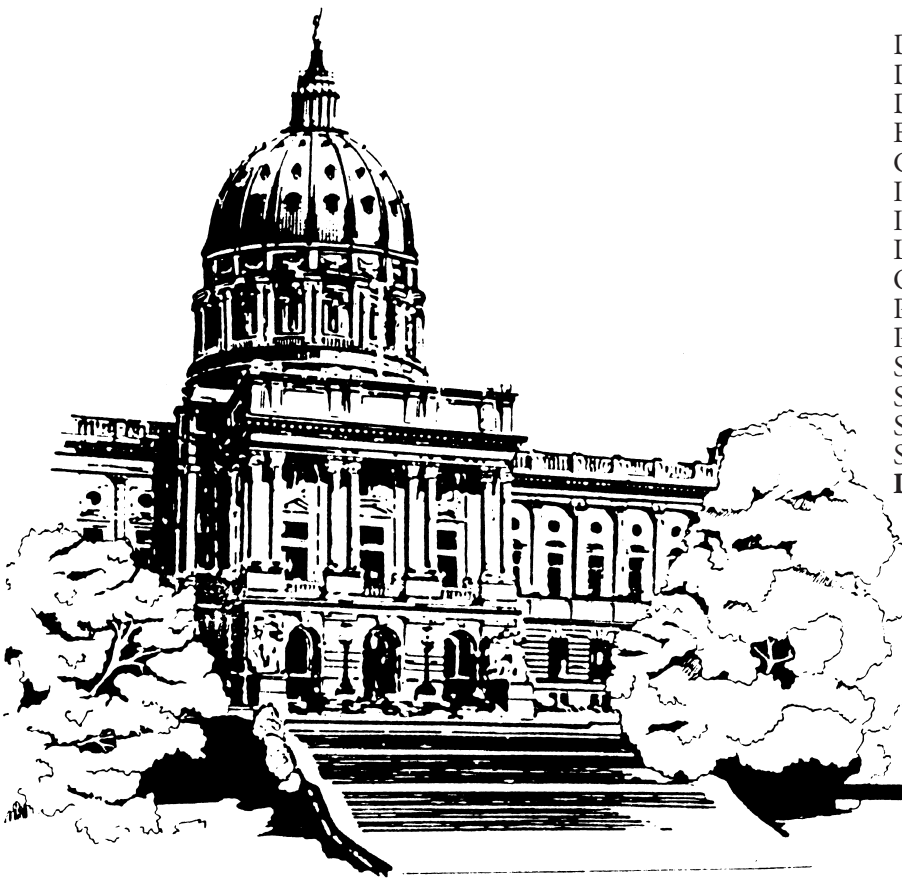
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(Master Transmittal Sheet):**

No. 596, July 2024

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Probation Reform Act Postsentence Review Procedures; General Court Regulation; No. 2024-01

And Now this 8th day of July, 2024 this Court adopts this General Court Regulation to establish the Postsentence Review Program and provide procedural guidance for the expeditious processing of all postsentence reviews required under Section 7 of the Probation Reform Act, Act No. 44 of 2023, Dec. 14, 2023 (hereinafter, “the Act”). This General Court Regulation shall apply to all individuals sentenced or resentenced to a term of probation prior to June 11, 2024.

1. The probation office responsible for the supervision of a defendant (hereinafter, “Probation Office”) shall calculate the date of eligibility for a postsentence review as set forth under Section 7, Paragraphs (1) and (2) of the Act and shall prepare a Postsentence Review Report (hereinafter, “Report”) for each eligible defendant under its supervision.

2. The Report shall include the following:

a. The date the Defendant is eligible for a postsentence review pursuant to Section 7 of the Act, Paragraph (1)(i);

b. A statement identifying the Judge supervising the Defendant’s probationary sentence;

c. A statement as to whether the Defendant has satisfied any of the conditions described in Section 4, Paragraphs (c)(1) and (c)(2) of the Act;

d. A statement as to whether the Defendant has completed all treatment or any other program required as a condition of probation;

e. Any additional information relevant to the Court’s review of whether the Defendant should be considered for early termination of probation or modification of the terms and conditions of probation; and

f. A recommendation that:

i. The Defendant’s probation be terminated;

ii. The Defendant’s probation continue as previously ordered; or

iii. The Defendant’s probation continue under different, reduced or increased terms and conditions.

3. The Probation Office shall file the Report with the Office of Judicial Records. The Report shall be served on the Commonwealth, the Defendant, the Defendant’s last counsel of record, and the Defenders Association of Philadelphia in accordance with Pa.R.Crim.P. 576 and Phila.Crim.R. *576.

4. The Report shall be filed at the earliest time practicable, but no later than 45 days prior to the date the Defendant is eligible for a postsentence review pursuant to Section 7 of the Act.

5. The Probation Office shall immediately provide the Criminal Listings Department (hereinafter, “Criminal Listings”) with the case information for each matter in which a Report was filed.

6. Upon receiving the case information, Criminal Listings shall schedule the matter for a Postsentence Review Hearing (hereinafter, “Hearing”), which will be scheduled

before the sentencing judge on the next available date. If the sentencing judge is no longer sitting in the Trial Division—Criminal of the Philadelphia County Court of Common Pleas, or Municipal Court—Criminal Division, the Hearing will be scheduled before a judge assigned to preside over non-sitting judge Postsentence Review Hearings in the appropriate Court. Criminal Listings shall notify the Probation Office, the Defendant’s last counsel of record, the Commonwealth and the Defenders Association of Philadelphia of the date and location of the Hearing. The Probation Office shall notify the Defendant of the date and location of the Hearing. The Defendant’s appearance at a Hearing shall not be required for the initial listing.

7. The Defendant and the Commonwealth may file a Response to the Report with the Office of Judicial Records no later than 10 business days prior to the scheduled Hearing. Responses shall be served on the opposing party, the Probation Office and the Defenders Association of Philadelphia in accordance with Pa.R.Crim.P. 576 and Phila.Crim.R. *576.

8. If, at the Hearing, the Court determines that the Defendant’s presence is necessary for its determination, the Court shall continue the Hearing, and the Probation Office shall notify the Defendant of the date and location of the Hearing and that their presence is required.

9. Following the Hearing, the Court shall enter an Order terminating probation or continuing probation with the same or modified terms.

10. If the Court terminates probation at the Hearing and in the absence of the Defendant, the Probation Office shall promptly notify the Defendant that the sentence of probation was terminated.

11. Nothing in this General Court Regulation shall be construed to limit the Court’s authority to terminate probation prior to the Hearing after receiving input from the Commonwealth and the Defense. If the Court terminates probation prior to the Hearing date, the Court shall promptly transmit its Order to the Office of Judicial Records, who shall file and serve the Order pursuant to Pa.R.Crim.P. 114, and notify Criminal Listings that the scheduled Hearing should be cancelled.

12. If a Defendant’s Postsentence Review Hearing has not commenced within the time frame specified in Section 7, Paragraph (1)(i) of the Act, defense counsel or the Defendant if unrepresented may file a motion requesting a Postsentence Review Hearing.

This General Court Regulation is issued pursuant to Probation Reform Act, Act No. 44 of 2023, Dec. 14, 2023 and shall become effective immediately. The original General Court Regulation shall be filed with the Office of Judicial Records in a Docket maintained for General Court Regulations issued by the Administrative Judge of the Court of Common Pleas of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and to the Criminal Procedural Rules Committee. Copies of the General Court Regulation will be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the

Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District of Pennsylvania at <http://www.courts.phila.gov>.

By the Court

HONORABLE DANIEL ANDERS,
*Administrative Judge, Trial Division
Court of Common Pleas*

HONORABLE JOFFIE PITTMAN, III,
*Administrative Judge
Municipal Court*

[Pa.B. Doc. No. 24-1010. Filed for public inspection July 19, 2024, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Civil Division; Local Rules of the Court of Common Pleas; No. AD—2024-200-PJ; Rules Doc.

Order of Court

And Now, this 2nd day of July 2024, it is hereby *Ordered* that the following local rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALLEGHENY COUNTY RULES OF CIVIL PROCEDURE 208.3(b)(3)

ALLEGHENY COUNTY RULES OF CIVIL PROCEDURE 212.7

ALLEGHENY COUNTY RULES OF CIVIL PROCEDURE 1303(a)(2)

By the Court

SUSAN EVASHAVIK DiLUCENTE,
President Judge

Local Rule 208.3(b).

(3) *Calendar Control Judge.*

(a) The Calendar Control Judge shall hear the following:

(i) All motions in any case that **[has been listed for trial or has appeared on a published trial list] appears on a published trial list** shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the General Motions Judge or the Discovery Motions Judge.

Local Rule 212.7. Mandatory Mediation.

(1) All parties shall participate in a formal mediation process no later than 45 days prior to commencement of the assigned trial term, as published in the *Pittsburgh Legal Journal* pursuant to Local Rule 212.1(3). This requirement shall apply unless:

(a) The Calendar Control Judge excuses the case from mediation upon motion and good cause shown; or

Note: At the discretion of the Calendar Control Judge, “good cause” may include, but is not limited to, the expense of mediation relative to a party’s perceived valuation of the case, as well as a party’s inability to afford the expense of mediation.

(b) All parties agree to waive mediation and file a Certification pursuant to Section (3)(a)(iii) of this rule.

Note: The mediation requirement set forth herein may be satisfied at any time prior to 45 days before commencement of the assigned trial term. This is intended to provide the parties with maximum flexibility in determining when mediation would be most effective.

(2) Except by agreement of all parties, all parties with a financial interest and all non-parties with a financial interest (such as insurers) shall attend mediation with full authority to settle the case. Parties without a financial interest need not attend.

(3) *Certification.*

(a) Within 7 days of completing mediation or agreeing to waive mediation pursuant to Section (1)(b) of this rule, the Plaintiff **and/or Plaintiff’s Counsel** shall file a Certification indicating that:

(i) The case was mediated and all claims have been or soon will be resolved;

(ii) The case was mediated, but all or some claims remain pending for trial; or

(iii) The parties have agreed in writing to waive mediation.

(b) Upon filing of the Certification required by this rule, the Plaintiff **and/or Plaintiff’s Counsel** shall serve a copy of the Certification upon the Calendar Control section of the Civil Division via electronic mail to CivilCalendarControl@alleghencycourts.us. Should the Plaintiff **and/or Plaintiff’s Counsel** fail to timely serve a Certification, any other party may do so.

(c) If the Calendar Control Judge excuses a case from mediation under Section (1)(a) of this rule, the moving party shall within 7 days serve a copy of the Order of Court upon the Calendar Control section of the Civil Division via electronic mail to CivilCalendarControl@alleghencycourts.us.

(d) Failure to file the Certification required by subsection (a) and/or serve a copy of the Certification upon the Calendar Control section of the Civil Division as required by subsection (b) above shall result in the Plaintiff’s Counsel being sanctioned by the Court \$250.00. Where the Plaintiff is unrepresented, and/or where good cause is shown as to why the certification was not filed by Plaintiff’s Counsel, the Court may elect not to impose the \$250.00 sanction.

(4) The Calendar Control Judge may, upon motion, impose such sanctions as are deemed appropriate against counsel and/or the parties for failure to comply with this rule in good faith.

(5) This rule does not apply to arbitration appeals, asbestos cases, or landlord-tenant cases.

Local Rule 1303(a)(2). Failure to Appear for Hearing.

(1) If a party fails to appear for a scheduled arbitration hearing, the matter may, if all present parties agree, be transferred immediately to a Judge of the Court of Common Pleas for an ex parte hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

Note: This local rule results in the loss of the right to a trial de novo on appeal, as described in the local rule. A dismissal or judgment which results from this local rule

will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1.

(2) A non-jury verdict entered at a hearing held pursuant to Local Rule 1303(a)(2)(1) shall not exceed [\$25,000] **the arbitration limit set in Local Rule 1301(1)(a)** (exclusive of interest and costs) to any party.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

[Pa.B. Doc. No. 24-1011. Filed for public inspection July 19, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Adoption of Local Rule of Criminal Procedure 708*—Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition; No. AD-156-2024

Order

And Now, this 8th day of July, 2024, the Court hereby adopts Montgomery County Local Rule of Criminal Procedure 708*—Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition. This Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

CAROLYN TORNETTA CARLUCCIO,
President Judge

Rule 708*. Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition.

Violation hearings under this Rule can be conducted by any Judge currently assigned to the Criminal Division. That Judge can issue a sentence following such violation hearing provided the requirements of Pa.R.Crim.P. 700(B) have been satisfied.

Comment: This rule is intended to apply to instances where the defendant informs the Gagnon Hearing Officer that the matter is contested and/or requests their original sentencing Judge to issue a sentence on the violation. See Pa.R.Crim.P. 700.

[Pa.B. Doc. No. 24-1012. Filed for public inspection July 19, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Adoption of Local Rules of Criminal Procedure Rule 113(E)*—Criminal Case File and Docket Entries, Rule 460(e)*—Notice of Appeal; Transmittal of Transcript and Associated Documents; and Rule 547(d)*—Transmittal of Transcript and Associated Documents; No. AD-157-2024

Order

And Now, this 8th day of July 2024, the Court hereby adopts Montgomery County Local Rule of Criminal Procedure 113(E)*—Criminal Case File and Docket Entries, Local Rule of Criminal Procedure 460(e)*—Notice of Appeal; Transmittal of Transcript and Associated Documents, and Local Rule of Criminal Procedure 547(d)*—Transmittal of Transcript and Associated Documents. Local Rule 113(E)* shall become effective thirty days after publication in the *Pennsylvania Bulletin*. Local Rules 460(e)* and 547(d)* shall become effective April 1, 2025.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

CAROLYN TORNETTA CARLUCCIO,
President Judge

Rule 113(E)*. Criminal Case File and Docket Entries.

(E) The Clerk of Courts shall assign a Common Pleas docket number to all criminal cases within 2 business days of transmission of the electronically scanned transcript and any associated documents by the issuing authority. The issuing authority shall continue to forward the physical paper transcript and associated documents to the Clerk of Courts as may be required by rule of court, until new Local Rules 460(e) and 547(d) become effective on April 1, 2025.

Rule 460(e)*. Notice of Appeal; Transmittal of Transcript and Associated Documents.

(e) *Electronic Transmission.*

(1) The transcript and any associated documents shall be electronically scanned and transmitted to the Clerk of Courts in digital format in lieu of transmitting the physical paper transcript and associated documents. The Clerk of Courts shall assign a Common Pleas docket number to all cases within 2 business days of transmission of the transcript and any associated documents.

(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

Rule 547(d)*. Transmittal of Transcript and Associated Documents.(d) *Electronic Transmission.*

(4) The transcript and any associated documents shall be electronically scanned and transmitted to the Clerk of Courts in digital format in lieu of transmitting the physical paper transcript and associated documents. The Clerk of Courts shall assign a Common Pleas docket number to all cases within 2 business days of transmission of the transcript and any associated documents.

(5) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(6) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

[Pa.B. Doc. No. 24-1013. Filed for public inspection July 19, 2024, 9:00 a.m.]

SUPREME COURT

Declaration of Judicial Emergency for the Twelfth Judicial District; No. 620 Judicial Administration Docket

Per Curiam

And Now, this 29th day of June, 2024, pursuant to Rule of Judicial Administration 1952(A) and the Pennsylvania Supreme Court's constitutionally-conferred general supervisory and administrative authority over the courts, *see* Pa. Const. art. V, § 10(a)—including the Court's authority over essential records of the judiciary maintained by clerks of courts and prothonotaries—this Court *Finds* and *Directs* as follows:

At the county level, clerks of courts are executive-branch row officers who perform essential recordkeeping functions on behalf of the judiciary. *See Olenginski v. Cty. of Luzerne*, 24 A.3d 1103, 1107 & n.2 (Pa. Cmwlth. 2011) (discussing the role of a clerk of courts analogue, *i.e.*, prothonotaries) (found persuasive in *Pa. State Ass'n of Jury Commissioners v. Commonwealth*, 78 A.3d 1020, 1035 n.16 (Pa. 2013)). Given the importance of judicial records to the proper and timely administration of justice,

by necessity the judiciary supervises the recordkeeping function of county clerks of courts. *See Olenginski*, 24 A.3d at 1107 & n.2.

By May 2024, the President Judge of the Dauphin County Court of Common Pleas found substantial deficiencies and an unacceptable backlog in the filing, scanning, and processing of orders and documents by the Office of the Clerk of Courts of Dauphin County. Thus, the President Judge issued a detailed administrative order requiring corrective action. When, in the judgment of the President Judge, corrective action did not ensue, the President Judge scheduled contempt proceedings.

Those proceedings were thwarted when, as of June 28, 2024, the Clerk of Courts Bridget Whitley abruptly resigned, as did First Deputy Cole Goodman, and Second Deputy Rogette Harris was terminated by the Clerk of Courts. Thus, all leadership positions in the Office of the Clerk of Courts of Dauphin County became vacant.

This Court finds that the unprecedented and untenable leadership void in the Office of the Clerk of Courts of Dauphin County constitutes a judicial emergency, since it significantly interrupts the performance of court operations by impeding the essential recordkeeping function. *See* Pa.R.J.A. 1951 (definition of "Emergency"). Accordingly, pursuant to this Court's authority under Rule of Judicial Administration 1952(A)(1), this Court *Declares* a local judicial emergency in the Twelfth Judicial District relative to the essential recordkeeping function.

The President Judge is *Directed* to temporarily appoint an acting Clerk of Courts to ensure that the duties assigned to the Office of the Clerk of Courts of Dauphin County are performed continuously, until such time as the executive branch appoints a replacement for the Clerk of Courts to remediate the leadership void in that county office.

This order *Shall Terminate* upon the President Judge's certification that an orderly transition of the leadership of the office of the Clerk of Courts to the executive branch appointee has been accomplished and that the necessary support for the judiciary and the proper and timely administration of justice can be maintained.

Any objections to this Order may be submitted to the Court on this docket within ten days after entry, and shall also be served on the President Judge.

[Pa.B. Doc. No. 24-1014. Filed for public inspection July 19, 2024, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DELAWARE RIVER BASIN COMMISSION [25 PA. CODE CH. 901]

Rules of Practice and Procedure Final Rule

Proposed: *Pennsylvania Bulletin*, 53 Pa.B. 6698 (October 28, 2023).

Adopted: June 5, 2024, by the Delaware River Basin Commission, Pamela M. Bush, Esq., Commission Secretary.

Filed: July 17, 2024, as a final regulation.

Summary: By Resolution No. 2024-06 on June 5, 2024, the Delaware River Basin Commission (“DRBC” or “Commission”) amended its *Rules of Practice and Procedure* to: resolve ambiguities around the automatic termination of project approvals issued by the Commission and make conforming amendments to related provisions as appropriate; update the Commission’s Water Resources Program and Project Review procedures to better conform them to current practice; remove incorrect references to the Federal Freedom of Information Act in the Commission’s regulations providing for access to public records; align pronouns with the Commission’s policies regarding diversity, inclusion, and belonging; and correct certain cross-references.

Dates: This final rule is effective July 22, 2024.

For Further Information Contact: Pamela M. Bush, Esquire, Commission Secretary and Assistant General Counsel, at pam.bush@drbc.gov (preferred) or 609-477-7203.

Supplementary Information: The Delaware River Basin Commission (“DRBC” or “Commission”) is a Federal-interstate compact agency formed by the enactment of concurrent legislation by four states and the United States in 1961¹ to manage the water resources of the Delaware River Basin (the “Basin”) without regard to political boundaries. The Commission’s members are, ex officio, the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the Division Engineer of the U.S. Army Corps of Engineers North Atlantic Division, who represents the United States.

Background

The Commission’s *Rules of Practice and Procedure* (“RPP”), comprising part 401 of title 18 of the *Code of Federal Regulations*, govern the adoption and revision of the Commission’s Comprehensive Plan and Water Resources Program, exercise of the Commission’s authority pursuant to the provisions of Article 3.8 of the *Delaware River Basin Compact* (the “Compact”), and other actions of the Commission mandated or authorized by the Compact, including but not limited to the administration of public access to records and information in the Commission’s possession.

On September 28, 2023, the Commission published a proposed rule (88 FR 66722) to amend the RPP to: resolve ambiguities around the automatic termination of project

approvals issued by the Commission and make conforming amendments to related provisions as appropriate; update the Commission’s Water Resources Program and Project Review procedures to better conform them to current practice; remove incorrect references to the Federal Freedom of Information Act in the Commission’s regulations providing for access to public records; and align pronouns with the Commission’s policies regarding diversity, inclusion, and belonging. A notice of the proposed amendments appeared in the *Delaware Register of Regulations*, 27 Del. Reg. 196, 206, on October 1, 2023, the *New Jersey Register*, 55 N.J.R. 2179(a), on October 16, 2023, the *New York Register*, 45 N.Y. Reg. 9, on October 11, 2023, and the *Pennsylvania Bulletin*, 53 Pa.B. 6698, on October 28, 2023.

Opportunity for public input on the proposed rules was provided during a comment period that ran from September 28, 2023, through November 30, 2023. In addition to soliciting written comments, the Commission accepted oral comment at two hearings conducted via Zoom and telephone. The Commission received a total of 209 public comment submissions, consisting of 199 written submissions and ten oral comments. The submissions typically consisted of a set of comments from a single individual or organization, and they typically addressed more than one aspect or provision of the proposed amendments. In many instances, a single submission included a set of comments by two or more individuals or organizations. Some submissions consisted of petitions or a set of comments with multiple signers. Similar or identical comments were in many instances submitted by individual commenters using form letters or template language provided by others. Commenters were not limited to a single submission, and some commenters offered two or more submissions. The “199” figure represents the number of individual written submissions the Commission received during the comment period without regard to the number of comments within a submission, the number of signers on a single submission, or the number of individuals making a joint submission.

The Commission reviewed all comments and supporting material it received during the comment period. The staff, in consultation with the Commissioners, prepared a Comment and Response Document summarizing the comments on the proposed rule and setting forth the Commission’s responses and revisions in detail. By Resolution No. 2024-06 on June 5, 2024, the Commission adopted the Comment and Response Document simultaneously with its adoption of the final rule.

Changes from the Proposed Rule

The final rule differs from the proposed in the following respects:

Action on request for extension. The final rule provides that the Commissioners, not the Executive Director, will approve or deny all requests for extended or renewed approval under amended § 401.41(a) and (b), respectively. In conjunction with this change, rather than establishing a prescribed extension term of five years, as originally proposed, the final rule at § 401.41(a) provides for the Commissioners to grant an extension of up to five years.

Eligibility for extension. Under the final rule, to qualify for extension of a docket approval that would otherwise expire under § 401.41, in addition to demonstrating that approved activities, site conditions, and the Comprehensive Plan have not materially changed, the docket holder

¹ United States Public Law 87-328, Approved Sept. 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Ch. 71, Approved May 26, 1961; New Jersey Laws of 1961, Ch. 13, Approved May 1, 1961; New York Laws of 1961, Ch. 148, Approved March 17, 1961; Pennsylvania Acts of 1961, Act. No. 268, Approved July 7, 1961.

(project sponsor) will be required to demonstrate that it is diligently pursuing the project, which can be shown through its planning, construction or project operational activities, its project expenditures, its efforts to secure government approvals necessary for the project, or its active participation in appeals of government decisions on its applications for government approvals.

The docket holder will not be required to demonstrate that it has expended a fixed, minimum dollar amount, a proposal to which commenters objected. Nor will the docket holder be obligated to show that it has expended a substantial sum in relation to the project cost, as the rule originally provided, or that it has expended a fixed percentage representing a substantial sum in relation to the total cost of the project, as some commenters proposed. In the Commission's view, those approaches are impracticable where the project costs consist primarily of construction costs, and where the sponsor could not lawfully or reasonably commence construction because all final approvals have not been secured.

Public process. In accordance with the final rule, the Commission will publish notice that it has received a request for a docket extension under § 401.41(a) and provide an opportunity for written comment of at least ten days' length on whether the docket holder has demonstrated all elements requisite for an extension—i.e., that the approved activities, site conditions, and Comprehensive Plan have not materially changed, and that the project sponsor has diligently pursued the project in reliance on the Commission's approval. The project sponsor will be afforded an opportunity to respond to the comments received but will not be obligated to do so. The Commission will provide notice at least ten days prior to the date of a business meeting at which the Commissioners consider action on a request pursuant to § 401.41(a).

Public hearing. The final rule provides that a public hearing on a request for a docket extension under § 401.41(a) will be held if three or more Commission members request such a hearing in writing to the Executive Director or by vote at a public meeting.

Administrative continuance. Under the final rule, a docket that is the subject of a request for extension under § 401.41(a) filed at least 90 days before the docket's expiration will be administratively continued pending final Commission action on the request in the event that such action occurs after the otherwise effective date of termination.

Construction complete. The final rule clarifies that if the activities authorized by the Commission's docket are limited to construction activities, an extension in accordance with § 401.41(a) is no longer required once construction is complete. Because some dockets issued for construction activities impose ongoing obligations on docket holders, the final rule further clarifies that the expiration of the docket, including any approved extension, does not eliminate ongoing docket obligations expressly identified as such in the docket approval.

Language of final § 401.41(b). The final language adopted for § 401.41(b) has been modified from the originally proposed language to more accurately reflect that the burden is on the docket holder to demonstrate eligibility for an extension under § 401.41(a).

Process for re-application. Under the final rule, if a request for extension under § 401.41(a) is denied, and the project sponsor wishes to apply for renewal of its docket approval under paragraph (b), the project sponsor must do so by a date to be established by the Commission. In

this situation, the docket approval is not thereafter administratively continued automatically. However, the Commission may, in its discretion, administratively extend the docket approval in whole or in part for a period ending on or before the date on which the Commission renders a final decision on the sponsor's renewal application.

Correcting Amendments

On October 8, 1987, the Commission redesignated portions of the *Rules of Practice and Procedure* (52 FR 37602). The final rule that contained the redesignation inadvertently failed to update certain cross-references affected by the redesignation. This final rule corrects those cross-references. The affected provisions are 18 CFR 401.108(c), 401.109(a), (d), and (e), 401.113, and 401.115(b).

Additional Materials

Additional materials can be found on the Commission's website at: https://www.nj.gov/drbc/about/regulations/finalrule_RPPamendments.html. These include links to Resolution No. 2024-06 of June 5, 2024 adopting the final rule and incorporating a clean copy of the rule text; the Commission's Comment and Response Document; a mark-up comparing the final to the proposed rule text; a mark-up comparing the final to the former rule text; and copies of the comments received.

The Commission's notice of proposed rulemaking and proposed rule text can be found on the Commission's website at: https://www.nj.gov/drbc/meetings/proposed/notice_RPP_amendments.html.

For the reasons set forth in the preamble, effective July 22, 2024, the Commission's rule adoption amends the *Pennsylvania Code*, Title 25, Part V, Chapter 901 (incorporating by reference 18 CFR Part 401). The amendatory instructions and final rule text appear below:

PART 401—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 401 continues to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688) unless otherwise noted.

Subpart A—Comprehensive Plan

2. In § 401.8, revise paragraph (a) to read as follows:

§ 401.8 Public projects under Article 11 of the Compact.

(a) After a project of any Federal, State, or local agency has been included in the Comprehensive Plan, no further action will be required by the Commission or by the agency to satisfy the requirements of Article 11 of the Compact, except as the Comprehensive Plan may be amended or revised pursuant to the Compact and this part. Any project which is materially changed from the project as described in the Comprehensive Plan will be deemed to be a new and different project for the purposes of Article 11 of the Compact. Whenever a change is made the sponsor shall advise the Executive Director, who will determine whether the change is deemed a material change within the meaning of this part.

* * * * *

Subpart B—Water Resources Program

3. Revise §§ 401.22 and 401.23 to read as follows:

§ 401.22 Concept of the program.

The Water Resources Program, as defined and described in section 13.2 of the Compact, will be a reason-

ably detailed amplification of that part of the Comprehensive Plan which the Commission recommends for action. That part of the Program consisting of a presentation of the water resource needs of the Basin will be revised only at such intervals as may be indicated to reflect new findings and conclusions, based upon the Commission's continuing planning programs.

§ 401.23 Procedure.

The Water Resources Program will be prepared and considered by the Commission for adoption annually. Projects included in the Water Resources Program shall have been previously included in the Comprehensive Plan, except that a project may be added to both the Plan and the Program by concurrent action of the Commission. In such instances, the project's sponsor shall furnish the information listed in § 401.4(b) prior to the inclusion of the project in the Comprehensive Plan and Water Resources Program.

§§ 401.24 through 401.26 [Removed]

- 4. Remove §§ 401.24 through 401.26.

Subpart C—Project Review Under Section 3.8 of the Compact

5. In § 401.38, revise the introductory text to read as follows:

§ 401.38 Form of referral by State or Federal agency.

Upon receipt of an application by any State or Federal agency for any project reviewable by the Commission under this part, if the project has not prior thereto been reviewed and approved by the Commission, such agency shall refer the project for review under section 3.8 of the Compact in such form and manner as shall be provided by Administrative Agreement.

* * * * *

- 6. Revise § 401.39 to read as follows:

§ 401.39 Form of submission of projects.

(a) *Submission constituting application.* Where a project is subject to review under section 3.8 of the Compact, the submission shall be in accordance with such form of application as the Executive Director may prescribe and with such supporting documentation as the Executive Director may reasonably require for the administration of the provisions of the Compact. An application shall be deemed complete and the Commission's review of the application may commence upon submission of the completed form in accordance with paragraph (b) of this section, and payment of the applicable fee as set forth in § 401.43 together with all balances due the Commission, if any, by the applicant or any member of its corporate structure, for unpaid fees, penalties, or interest.

(b) *Submission of applications.* Application forms and accompanying submissions shall be filed in accordance with the filing instructions included on the application form.

(c) *Availability of forms.* Any person may obtain a copy of any form prescribed for use in paragraph (a) of this section on the Commission's website, <https://www.drbc.gov>.

- 7. Revise § 401.41 to read as follows:

§ 401.41 Limitation of approval; dormant applications.

(a) *Extension (no material change)*—(1) *Term of approval; extension request.* For any Commission approval not assigned an expiration date, the Commission's ap-

proval shall expire five years from the approval date unless prior thereto the Commission extends the approval for an additional period of up to five years, based upon a written request from the project sponsor accompanied by supporting documentation demonstrating that the following criteria have been met:

(i) No material changes to the project as approved are proposed;

(ii) The condition of the project site has not changed in a manner important to determining whether the project would substantially impair or conflict with the Commission's Comprehensive Plan;

(iii) The Commission's Comprehensive Plan has not changed in a manner important to determining whether the project would substantially impair or conflict with the Comprehensive Plan; and

(iv) The project sponsor is diligently pursuing the project as shown by its planning, construction or project operational activities, its project expenditures, its efforts to secure government approvals necessary for the project, or its active participation in appeals of government decisions on its applications for government approvals. The project sponsor is not required by this paragraph (a)(1)(iv) to conduct activities that it is not legally authorized to conduct or that it demonstrates would be unreasonable for it to conduct before obtaining all necessary final government approvals.

(2) *Denial of extension request.* Otherwise, the extension request shall be denied, and the project sponsor may apply for renewal of its approval under paragraph (b) of this section by a date to be established by the Commission. If the Commission denies the request for an extension pursuant to this section, the docket approval shall not be administratively continued automatically pursuant to paragraph (a)(5) of this section. The Commission may, however, in its discretion, administratively extend the docket approval in whole or in part for a period ending on or before the date on which the Commission renders a final decision on the sponsor's re-application under paragraph (b) of this section.

(3) *Public notice.* The Commission will publish notice of receipt of a request for extension under this paragraph (a) and will provide notice at least ten days prior to the date of a business meeting at which the Commissioners may act on such request.

(4) *Public comment.* An opportunity for written comment of at least ten days' length will be provided on a request for extension. The project sponsor will be afforded an opportunity to respond in writing to the comments received. A public hearing will be provided if three or more Commission members ask the Executive Director in writing to schedule one or vote during a public meeting of the Commission to provide one.

(5) *Administrative continuance.* A docket that is the subject of a request for extension under paragraph (a) of this section filed at least 90 days before the docket's expiration shall be administratively continued pending the Commission's final action on the request in the event that such action occurs after the otherwise effective date of termination under this section.

(6) *Extensions no longer needed.* If the activities authorized by a docket are limited to construction activities, an extension is no longer required once construction is complete; however, the expiration of the docket, including

any approved extension, does not eliminate ongoing docket obligations expressly identified as such in the docket approval.

(b) *Re-application (material change)*. If the Commission determines that the project sponsor has failed to demonstrate that no material changes to the project as approved are proposed and that the other criteria listed in paragraph (a)(1) of this section are satisfied, the project sponsor must apply for renewal and any necessary modification of its approval in accordance with the customary application procedure for any docket renewal or approval.

(c) *Automatic termination of application*. Any application that remains dormant (no proof of active pursuit of approvals) for a period of three years from date of receipt, shall be automatically terminated without further action of the Commission. Any renewed activity following that date will require submission of a new application.

8. In § 401.42, revise paragraph (e) to read as follows:

§ 401.42 One Permit Program.

* * * * *

(e) *Comprehensive Plan projects*. Articles 11 and 13 of the Compact require certain projects to be included in the Comprehensive Plan. To add a project not yet included in the Comprehensive Plan, the project sponsor shall submit a separate application to the Commission. If following its review and public hearing the Commission approves the addition of the project to the Comprehensive Plan, the Commission's approval will include such project requirements as are necessary under the Compact and this part. All other project approvals that may be required from the Signatory Party Agency or the Commission under regulatory programs administered pursuant to this section may be issued through the One Permit Program. An application for renewal or modification of a project in the Comprehensive Plan that does not materially change the project may be submitted only to the Signatory Party Agency unless otherwise specified in the Administrative Agreement.

* * * * *

9. In § 401.43:

a. Revise paragraphs (b)(1)(ii) and (b)(4)(ii) through (iv); and

b. In paragraph (e), in table 3, remove the entries for "Name change" and "Change of Ownership" and add an entry at the end of the table for "Name Change or Change of Ownership" in their place.

The revisions and addition read as follows:

§ 401.43 Regulatory program fees.

* * * * *

(b) * * *

(1) * * *

(ii) *Project requiring inclusion in the comprehensive plan*. Any project that in accordance with section 11 or section 13.1 of the Delaware River Basin Compact and DRBC regulations must be added to the Comprehensive Plan (also, "Plan"). In addition to any new project required to be included in the Plan, such projects include existing projects that in accordance with section 13.1 of the Compact are required to be included in the Plan and which were not previously added to the Plan. Any existing project that is materially changed from the project as described in the Plan shall be deemed to be a new and different project for purposes of this section.

* * * * *

(4) * * *

(ii) *Late filed renewal application*. Any renewal application submitted fewer than 180 calendar days in advance of the expiration date or after such other date specified in the docket or permit or letter of the Executive Director for filing a renewal application shall be subject to a late filed renewal application charge in excess of the otherwise applicable fee.

(iii) *Modification of a DRBC approval*. Following Commission action on a project, any material change to the project as approved shall require an additional application and accompanying fee. Such fee shall be calculated in accordance with paragraph (e) of this section and may be subject to an alternative review fee in accordance with paragraph (b)(3) of this section.

(iv) *Name change or change of ownership*. Each project with a docket or permit issued by the DRBC will be charged an administrative fee as set forth in paragraph (e) of this section if it undergoes a change in name or a "change in ownership" as that term is defined at § 420.31(e)(2) of this subchapter.

* * * * *

(e) * * *

Table 3 to § 401.43—Additional Fees

Proposed action	Fee	Fee maximum
* * * * *	* * *	*
Name Change or Change of Ownership	\$1,917 ¹	

¹ Subject to annual adjustment in accordance with paragraph (c) of this section.

Subpart H—Public Access to Records and Information

10. Remove the authority citation to subpart H.

11. In § 401.103, revise paragraph (a) to read as follows:

§ 401.103 Request for existing records.

(a) Any written request to the Commission for existing records not prepared for routine distribution to the public shall be deemed to be a request for records pursuant to the provisions of this part, whether or not the provisions of this part are mentioned in the request, and shall be governed by the provisions of this part.

* * * * *

12. Revise § 401.104 to read as follows:

§ 401.104 Preparation of new records.

The provisions of this part apply only to existing records that are reasonably described in a request filed with the Commission pursuant to the procedures herein established. The Commission shall not be required to prepare new records in order to respond to a request for information.

13. In § 401.105, paragraph (b) is revised to read as follows:

§ 401.105 Indexes of certain records.

* * * * *

(b) A copy of each such index is available at cost of duplication from the Records Access Officer.

14. Revise § 401.106 to read as follows:

§ 401.106 Records Access Officer.

The Executive Director shall designate a Commission employee as the Records Access Officer. The Records Access Officer shall be responsible for Commission compliance with the provisions of this part. All requests for agency records shall be sent to the Records Access Officer in a manner consistent with § 401.108(a).

15. In § 401.108, revise paragraphs (a), (b)(1), (c), and (d) to read as follows:

§ 401.108 Filing a request for records.

(a) All requests for Commission records shall be submitted to the Records Access Officer on such forms as the Executive Director may prescribe, which shall be available on the Commission's website, <https://www.drbc.gov>, or by written request to the Commission, 25 Cosey Road, West Trenton, NJ 08628.

(b) * * *

(1) If the description is insufficient to locate the records requested, the Records Access Officer will so notify the person making the request and indicate the additional information needed to identify the records requested.

* * * * *

(c) Upon receipt of a request for records, the Records Access Officer shall enter it in a public log (which entry may consist of a copy of the request). The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to § 401.109(b), the date(s) any records are subsequently furnished, the number of staff-hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

(d) A denial of a request for records, in whole or in part, shall be signed by the Records Access Officer. The name and title or position of each person who participated in the denial of a request for records shall be set forth in the letter denying the request. This requirement may be met by attaching a list of such individuals to the letter.

16. In § 401.109, revise paragraphs (a), (b) introductory text, and (c) through (e) to read as follows:

§ 401.109 Time limitations.

(a) All time limitations established pursuant to this section shall begin as of the time at which a request for records is logged in by the Records Access Officer pursuant to § 401.108(c). An oral request for records shall not begin any time requirement. A written request for records sent elsewhere within the Commission shall not begin any time requirement until it is redirected to the Records Access Officer and is logged in accordance with § 401.108(c). A request that is expected to involve fees in excess of \$50.00 will not be deemed received until the requester is promptly notified and agrees to bear the cost or has so indicated on the initial request.

(b) Within 10 working days (excepting Saturdays, Sundays, and legal public holidays) after a request for records is logged by the Records Access Officer, the record shall be furnished or a letter shall be sent to the person making the request determining whether, or the extent to which, the Commission will comply with the request, and, if any records are denied, the reasons therefor.

* * * * *

(c) If any record is denied, the letter shall state the right of the person requesting such records to appeal any adverse determination to the Executive Director of the Commission. Such an appeal shall be filed within 30 days from receipt of the Records Access Officer's determination denying the requested information (where the entire request has been denied), or from the receipt of any information made available pursuant to the request (where the request has been denied in part). Within 20 working days (excepting Saturdays, Sundays, and legal public holidays) after receipt of any appeal, or any authorized extension, the Executive Director or the Executive Director's designee shall make a determination and notify the appellant of such determination. If the appeal is decided in favor of the appellant the requested information shall be promptly supplied as provided in this part. If on appeal the denial of the request for records is upheld in whole or in part, the appellant shall be entitled to appeal to the Commission at its regular meeting. In the event that the Commission confirms the Executive Director's denial the appellant shall be notified of the provisions for judicial review.

(d) If the request for records will result in a fee of more than \$25, determination letter under paragraph (b) of this section shall specify or estimate the fee involved and may require prepayment, as well as payment of any amount not yet received as a result of any previous request, before the records are made available. If the fee is less than \$25, prepayment shall not be required unless payment has not yet been received for records disclosed as a result of a previous request.

(e) Whenever possible, the determination letter required under paragraph (b) of this section, relating to a request for records that involves a fee of less than \$25.00, shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter. For requests for records involving a fee of more than \$25.00, the records shall be forwarded as soon as possible after receipt of payment.

17. In § 401.110, revise paragraphs (a)(1)(i)(A) and (c) to read as follows:

§ 401.110 Fees.

(a) * * *

(1) * * *

(i) * * *

(A) Processing requests for records;

* * * * *

(c) Payment shall be made by check or money order payable to "Delaware River Basin Commission" and shall be sent to the Records Access Officer.

18. Revise § 401.113 to read as follows:

§ 401.113 Segregable materials.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this part, except as provided in § 401.102.

19. Revise § 401.115 to read as follows:

§ 401.115 Discretionary disclosure by the Executive Director.

(a) The Executive Director may exercise discretion to disclose part or all of any Commission record that is otherwise exempt from disclosure pursuant to this part whenever the Executive Director determines that such disclosure is in the public interest, will promote the

objectives of the Commission, and is consistent with the rights of individuals to privacy, the property rights of persons in trade secrets, and the need for the Commission to promote frank internal policy deliberations and to pursue its regulatory activities without disruption.

(b) Discretionary disclosure of a record pursuant to this section shall invoke the requirement that the record shall be disclosed to any person who requests it pursuant to § 401.108, but shall not set a precedent for discretionary disclosure of any similar or related record and shall not obligate the Executive Director to disclose any other record that is exempt from disclosure.

Subpart I—General Provisions

20. In § 401.121, redesignate paragraph (e) as paragraph (f) and add new paragraph (e) to read as follows:

§ 401.121 Definitions.

* * * * *

(e) *Material change* shall mean a change to a project previously approved by the Commission that is important in determining whether the project would substantially impair or conflict with the Commission’s comprehensive plan.

* * * * *

PAMELA M. BUSH,
Secretary

Fiscal Note: Fiscal Note 68-62 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART V. DELAWARE RIVER BASIN COMMISSION

CHAPTER 901. GENERAL PROVISIONS

§ 901.1. Rules of Practice and Procedure.

The rules of practice and procedure as set forth in 18 CFR Part 401 (2024) are hereby incorporated by reference and made a part of this title.

§ 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2024) and the Water Code and Water Quality Regulations as set forth in 18 CFR Part 410 (2023), are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 24-1015. Filed for public inspection July 19, 2024, 9:00 a.m.]

Title 37—LAW

OFFICE OF ATTORNEY GENERAL

[37 PA. CODE CH. 301]

Automotive Industry Trade Practices

The Office of Attorney General (OAG), through its Public Protection Division, amends 37 Pa. Code Chapter 301 (relating to automotive industry trade practices) by amending §§ 301.1, 301.2 and 301.4 (relating to definitions; advertising and sales presentation requirements; and general provisions—motor vehicle dealer) to read as set forth in Annex A.

A. Effective Date

This final-form rulemaking will be effective 30 days after publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this final-form rulemaking, the primary contact is John Abel, Chief Deputy Attorney General, Bureau of Consumer Protection and the secondary contact is Mark Wolfe, Deputy Attorney General, Bureau of Consumer Protection, Office of Attorney General, Strawberry Square, 15th Floor, Harrisburg, PA 17120, (717) 787-9707.

C. Statutory Authority

This final-form rulemaking is being made under the authority of section 3.1 of the Unfair Trade Practices and Consumer Protection Law (act) (73 P.S. § 201-3.1), regarding the statutory rulemaking authority of the OAG.

D. Purpose and Background

This final-form rulemaking is designed to improve, enhance and update the OAG’s unfair or deceptive acts or practices regulations. The specific purpose of this final-form rulemaking is described in more detail under the summary of final-form rulemaking.

E. Summary of Final-Form Rulemaking

1. Introduction

The OAG enforces and administers the act. The OAG has determined that it is necessary for the enforcement and the administration of the act to amend the existing automotive industry trade practices regulations to provide adequate protections to consumers regarding the inspection of motor vehicles and the written disclosure of certain attributes of a motor vehicle’s roadworthiness.

2. Policy and determination

The OAG has long taken the policy position that certain unfair or deceptive automotive industry market trade practices constitute unfair methods of competition and unfair or deceptive acts or practices in violation of the act.

Through the experience of investigation and litigation, the OAG has identified that motor vehicle dealers are increasingly utilizing electronic means to advertise the sale of particular motor vehicles and motor vehicle goods and services, a practice which is not explicitly captured in the automotive industry trade practices regulations’ current definition of “advertisement.” The OAG has further identified that the disclosures and inspections which motor vehicle dealers are currently required to perform are insufficient to fully inform consumers that they are purchasing motor vehicles bearing certain unsafe conditions. The OAG has determined that this final-form rulemaking under the act will remedy these vacuums under Commonwealth law.

3. Automotive industry trade practices

The OAG has adopted the staff recommendation to make certain amendments to the Automotive Industry Trade Practices regulations in Chapter 301 (Auto Regulations). First, § 301.1 includes electronic means in the definition of “advertisement.” Second, § 301.2(5) is amended to require that the disclosure of the enumerated conditions be provided in writing. Third, § 301.2(5.1) is created. Paragraph (5.1) directs that a motor vehicle dealer may not advertise or offer a motor vehicle for sale unless the selling motor vehicle dealer designates a certified inspection mechanic to inspect a motor vehicle not more than 30 days after it enters the motor vehicle

dealer's inventory for all conditions listed in § 301.2(5). Thereafter, if the motor vehicle accumulates 500 miles or more while in the inventory of the selling motor vehicle dealer, the dealer must inspect the motor vehicle for the conditions listed in § 301.2(5) not more than 30 days prior to sale, excluding the ability of the vehicle to pass a State inspection. This section does not apply to sales of motor vehicles between two motor vehicle dealers, the sales of motor vehicles under a duly authorized vehicle auction license, the sales of salvaged or nonrepairable motor vehicles bearing the applicable certificate, or the sales of motor vehicles which are located outside this Commonwealth during the entire time it is advertised or offered for sale.

Finally, § 301.4(9.1) clarifies that compliance with § 301.2(5) regarding written disclosures is still required notwithstanding any use of the term "AS IS" under § 301.4(9) regarding disclaiming warranty. The selling motor vehicle dealer must describe the vehicle as being sold "AS IS" and list in writing any conditions listed in § 301.2(5) that are present in the vehicle.

These amendments have been prepared in light of comments previously submitted by interested parties, the Pennsylvania Automotive Association and the Independent Automobile Dealers Association of Pennsylvania.

4. Basic policy choice

"The operative provision of the Unfair Trade Practices and Consumer Protection Law provides: 'Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce...are hereby declared unlawful.'" 73 P.S. § 201-3 (Emphasis omitted). *Gabriel v. O'Hara*, 368 Pa. Super. 383, 391, 534 A.2d 488, 492 (1987). The operative provision of the act provides the Legislature's basic policy choice which guides the OAG's rulemaking. The OAG proposes that Chapter 301 be amended to read as set forth in Annex A.

F. Paperwork

Generally, this final-form rulemaking will not increase paperwork and will not create new paperwork requirements. This final-form rulemaking will have a de minimis impact on paperwork for class action representatives purporting to settle and release OAG claims under the act.

G. Benefits, Costs and Compliance

Through this final-form rulemaking, consumers will be further protected from unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce by unscrupulous businesses. The clear articulation of this unfair or deceptive trade practices regulation will make the regulation easier to understand by the public and will facilitate compliance.

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The OAG estimates that the cost of compliance with this final-form rulemaking may average \$540 annually plus \$41 per vehicle entering the inventory of a dealership, subject to several caveats, including whether the particular motor vehicle dealership already subjects all vehicles entering their inventory to a safety inspection.

H. Sunset Review

The OAG is not establishing a sunset date for these regulations because they are needed for the OAG to carry out its statutory authority and because the OAG will periodically review these regulations for their effectiveness.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 28, 2023, the OAG submitted a copy of the notice of proposed rulemaking, published at 53 Pa.B. 2590 (May 13, 2023) and a copy of a Regulatory Analysis Form (RAF) to the Independent Regulatory Review Commission (IRRC) and to the chairperson of the Judiciary Committee of the Senate and to the chairperson of the Judiciary Committee of the House of Representatives.

Under section 5(c) of the Regulatory Review Act, the OAG is required to submit to IRRC and the Senate and House committees copies of comments received during the public comment period, as well as other documents when requested. The OAG received and reviewed a number of public comments following its submission of its proposed rulemaking, as well as comments from IRRC and Representative Eric Nelson, MS, CSP. These comments have been considered and responded to by means of the Comment and Response Document included with the Regulatory Analysis Form (RAF) and summarized as follows. The Comment and Response Document is available to be viewed on IRRC's web site at <http://www.irrc.state.pa.us> by searching for Regulation # 59-001 or IRRC # 3373. Further, the OAG held a public hearing on December 13, 2023, at which it heard testimony from the Pennsylvania Automotive Association, both regarding the proposed rulemaking in general and in response to certain questions posed by the OAG in the *Pennsylvania Bulletin*.

Following the initial submission of this final-form rulemaking to IRRC and the Senate and House committees, on February 6, 2024, the OAG received an additional comment and suggestion from the Pennsylvania Automotive Association. Concluding that this suggested, slight modification would still effectuate the goals of this final-form rulemaking effort, the OAG temporarily withdrew its final-form rulemaking on February 23, 2024, to incorporate it into the rulemaking.

The OAG resubmitted this final-form rulemaking to IRRC and the Senate and House committees on March 19, 2024. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 14, 2024, the final-form rulemaking was deemed approved by the Senate and House committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 15, 2024, and approved the final-form rulemaking.

J. Summary of Comments and Responses

The OAG considered each of the comments it received on its proposed rulemaking and identified 17 discrete questions, concerns and requests for clarification to which it has responded in its Comment and Response Document. These comments and the OAG's responses, including changes made in this final-form rulemaking, are summarized in this section.

IRRC requested that certain additional information be added to the RAF accompanying the rulemaking.

First, IRRC requested that the OAG quantify the number and type of consumer complaints it has received from consumers over the last 5 years and to explain how this final-form rulemaking will help prevent similar problems from occurring. From January 1, 2019, through December 18, 2023, the OAG's Bureau of Consumer Protection received more than 150,500 written consumer complaints. Over 22,000 (approximately 15%) have concerned motor vehicles, representing one of the most common categories of consumer complaint year to year. Of

these motor vehicle complaints, the OAG has determined that the issues intended to be addressed by this final-form rulemaking were presented in complaint narratives at least 6,500 times. The OAG anticipates that this final-form rulemaking will address these problems in two primary ways. First, a consumer may be less inclined to purchase a vehicle if they are shown in writing that a vehicle bears certain conditions which render it not roadworthy. Second, this final-form rulemaking will allow the OAG to more effectively enforce the act against the fraction of unscrupulous motor vehicle dealers who, under the regulations as they are presently written, may be able to skirt the law by claiming that certain unsafe conditions in a motor vehicle were disclosed verbally and, at any rate, were sold "AS-IS." In requiring these disclosures to be made in writing, the OAG will be on firmer footing should it be necessary to bring a proceeding to enjoin unfair or deceptive trade practices.

Second, IRRC requested that the OAG more concretely identify the types and numbers of persons, businesses (including small businesses) and organizations which will be affected or required to comply with the regulation and the possible costs associated with compliance. Using data from the United States Census Bureau and the State Board of Vehicle Manufacturers, Dealers and Salespersons, the OAG estimates that approximately 150 motor vehicle manufacturers, 6,000 motor vehicle dealers and over 10,000 motor vehicle repair shops constitute the "regulated community" covered by the Auto Regulations. The change in this final-form rulemaking applicable to all of these entities, amending the definition of "advertisement" is not expected to impose any significant costs. The bulk of this final-form rulemaking applies only to motor vehicle dealers. As previously set forth and in the OAG's RAF, the annual cost of compliance for a motor vehicle dealer may be \$540 to inspect the limited class of vehicles which will accumulate 500 miles while in their inventory for certain conditions and \$41 to subject each vehicle entering their inventory to a full safety inspection. However, this figure is subject to several caveats, including the size of the particular dealership and whether it already adheres to the common industry practice of inspecting all vehicles which come into their inventory. As a final note, the OAG estimates that approximately 95% of affected motor vehicle dealers would be considered "small businesses" under Federal and State guidelines. Per the United States Small Business Administration, 99.9% of American businesses are small businesses. The OAG expects that used motor vehicle dealers likely align with this figure, and new motor vehicle dealers are both fewer and less likely to be small businesses, and thus only reduce our estimated percentage slightly.

IRRC also asked certain clarifying questions. To address each question in turn: (1) If an auto dealer lists all of its inventory on its web site, that action would be considered an advertisement and therefore subject the auto dealer to all applicable requirements of Chapter 301. (2) There is no difference between a customer that finds an inventory list on a web site by means of their own research and a customer that is persuaded to view a web site through another advertisement, insofar as the Auto Regulations are concerned. (3) Out-of-State businesses have the same obligations as a business based in this Commonwealth in relation to the Auto Regulations, except where explicitly exempted therefrom, and the OAG has long relied on the act to enforce compliance upon all businesses which allegedly violate the act, wherever they are located.

IRRC further requested that the OAG explain how it will implement and administer the revised definition of "advertisement." In short, the amended definition of "advertisement" is merely intended to modernize the regulations and make explicit what had always been considered to be the case, that is that online advertisements fall within the definition of "advertisement" as presently written.

The OAG received additional comments from IRRC and the public which led directly to changes from the proposed rulemaking to this final-form rulemaking.

First, the OAG did not intend for the change of title from "Bureau of Consumer Protection" to "Unfair Trade Practices" to be included in the proposed rulemaking. The existing title of Part V is retained in this final-form rulemaking.

Second, the OAG deletes the proposed addition to § 301.2(5) in this final-form rulemaking. This would have required the advertiser or seller of a motor vehicle to disclose in writing "any other material condition which substantially impairs vehicle use or safety."

Third, the OAG takes several steps to make paragraph (5.1) clearer in both what is expected of motor vehicle dealers and to which kinds of transactions it is intended to apply. As a threshold matter, the OAG notes that it intends that this final-form rulemaking use the term "inspect" in its ordinary meaning (that is, to take a careful look) and not, in itself, to refer to a PennDOT safety inspection. However, since one of the conditions which would render a motor vehicle not to be unroadworthy is the inability to pass State inspection, this would be the practical effect.

Fourth, the OAG modifies the "500 mile" provision of paragraph (5.1) from a requirement that the motor vehicle dealer inspect vehicles in their inventory for certain conditions within 30 days after each time those vehicles accumulate 500 miles while in the dealer's inventory. In consideration of certain concerns with the practical implementation of this provision, it now requires the selling motor vehicle dealer to inspect the vehicle for certain conditions not more than 30 days prior to the sale of a vehicle which has accumulated more than 500 miles while in the dealer's inventory.

To better set forth the OAG's intent under paragraph (5.1), it is split into several subdivisions itself. Paragraph (5.1)(i)(A) addresses inspection upon a motor vehicle's entry into inventory and requires a certified inspection mechanic designated by the selling motor vehicle dealer to inspect the motor vehicle for "all conditions listed in paragraph (5)," including the ability or inability to pass a State inspection. Paragraph (5.1)(i)(B) addresses the limited class of situations in which a motor vehicle accumulates 500 miles or more while in the selling motor vehicle dealer's inventory. It merely requires the selling motor vehicle dealer to inspect the motor vehicle "for all conditions listed in paragraph (5), except the condition listed in paragraph (5)(iii)." The remaining conditions for which a motor vehicle dealer would be required to take a careful look for should not take substantial time or labor to discover, and further do not require the services of a certified inspection mechanic.

On the applicability of paragraph (5.1), the OAG notes that the definition of "dealer or motor vehicle dealer" in § 301.1 the Auto Regulations only includes persons who are "engaged in the business of selling, offering for sale or negotiating the retail sale of motor vehicles." However, given concerns raised in the comments, the OAG makes a

further alteration to paragraph (5.1) to expressly exempt certain transactions. These exemptions are now contained in subparagraph (ii), which states that the section “shall not apply to the advertisement or offering for sale of a motor vehicle under any of the following circumstances: (A) To another motor vehicle dealer. (B) Pursuant to a duly authorized vehicle auction license. (C) Bearing a certificate of salvage or a nonrepairable vehicle certificate, or both. (D) Located outside this Commonwealth at all times during which it is advertised or offered for sale.” The OAG makes these exemptions in recognition that certain types of motor vehicle transactions already have effective self-imposed safeguards in place and are largely populated by buyers who are more sophisticated than average and therefore less likely to require the protections afforded by this final-form rulemaking. The change also addresses issues which may arise in both compliance with and enforcement of the Auto Regulations in the context of a limited class of out-of-State motor vehicle dealers using certain novel business methods.

The OAG thanks the public, IRRC and Representative Eric Nelson, MS, CSP for providing comments in response to the proposed rulemaking. As a direct result of these comments, the OAG was able to prepare this final-form rulemaking which it believes to be much improved and which will more effectively protect consumers from harm from certain unscrupulous actors in the advertisement and sale of motor vehicles.

K. Findings

The OAG finds:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 53 Pa.B. 2590 (May 13, 2023).

(4) This final-form rulemaking has been submitted to and has been deemed approved by the chairperson of the Judiciary Committee of the Senate and the chairperson of the Judiciary Committee of the House of Representatives.

(5) This final-form rulemaking has been submitted to and has been approved as being in the public interest by IRRC.

(6) This final-form rulemaking has been approved for form and legality by the Office of Attorney General, Legal Review Section.

(7) The adoption of this regulation in the manner provided by this Order is necessary and appropriate for the administration and enforcement of the act.

L. Order

The OAG, acting under the authority of section 3.1 of the act, orders:

(1) The regulations of the OAG, 37 Pa. Code Chapter 301, are amended by amending §§ 301.1, 301.2 and 301.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(3) This final-form rulemaking shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

MICHELLE A. HENRY,
Attorney General

(*Editor’s Note:* See 54 Pa.B. 3134 (June 1, 2024) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 59-001 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 37. LAW

**PART V. BUREAU OF CONSUMER PROTECTION
CHAPTER 301. AUTOMOTIVE INDUSTRY TRADE PRACTICES**

§ 301.1. Definitions.

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

Advertisement—An oral, written or graphic statement which offers for sale a particular motor vehicle or motor vehicle goods and services or which indicates the availability of a motor vehicle or motor vehicle goods and services, including a statement or representations made in a newspaper, periodical, pamphlet, circular, other publication or on radio or television; contained in a notice, handbill, sign, billboard, poster, bill, catalog or letter; placed on a web site, in a mobile application, on a social media outlet or on any other electronic platform; or printed on or contained in a tag or label which is attached to merchandise.

* * * * *

§ 301.2. Advertising and sales presentation requirements.

With respect to an advertisement or sales presentation offering or making available for sale a new or used motor vehicle or maintenance service or repair on a new or used motor vehicle, the following will be considered unfair methods of competition and unfair or deceptive acts or practices:

* * * * *

(5) The representation in an advertisement or sales presentation that a motor vehicle or motor vehicle goods or services are of a particular style, model, standard, quality or grade if they are of another or if the representation conflicts with a written notice or disclosure required under this chapter. For the purposes of this chapter, a motor vehicle which is offered for sale is represented to be roadworthy, and the advertiser or seller shall disclose in writing prior to sale the following conditions if the advertiser or seller knows or should know that the conditions exist in the motor vehicle:

- (i) Frame bent, cracked or twisted.
- (ii) Engine block or head cracked.
- (iii) Vehicle unable to pass State inspection.
- (iv) Transmission damaged, defective or so deteriorated as to require replacement.
- (v) Vehicle flood damaged.
- (vi) Differential damaged, defective or so deteriorated as to require replacement.

(5.1)(i) The advertisement or offering of a motor vehicle for sale unless:

(A) A certified inspection mechanic designated by the selling motor vehicle dealer has inspected the motor vehicle not more than 30 days after the motor vehicle comes into the inventory of the selling motor vehicle dealer or advertiser for all conditions listed in paragraph (5); and

(B) The selling motor vehicle dealer has inspected the motor vehicle not more than 30 days prior to the sale if the motor vehicle accumulates 500 or more miles while in the inventory of the selling motor vehicle dealer or advertiser for all conditions listed in paragraph (5), except the condition listed in paragraph (5)(iii).

(ii) This section shall not apply to the advertisement or offering for sale of a motor vehicle under any of the following circumstances:

(A) To another motor vehicle dealer.

(B) Pursuant to a duly authorized vehicle auction license.

(C) Bearing a certificate of salvage or a nonrepairable vehicle certificate, or both.

(D) Located outside this Commonwealth at all times during which it is advertised or offered for sale.

(6) The making of a representation or statement of a fact in an advertisement or sales presentation if the advertiser or salesperson knows or should know that the representation or statement is false and misleading or if the advertiser or salesperson does not have sufficient

information upon which a reasonable belief in the truth of the representation could be based.

* * * * *

§ 301.4. General provisions—motor vehicle dealer.

(a) With regard to a motor vehicle dealer, the following will be considered unfair methods of competition and unfair or deceptive acts or practices:

* * * * *

(9.1) In an instance where a motor vehicle is not roadworthy at the time the motor vehicle is offered for sale, using the term “AS-IS” as set forth in this section does not satisfy the written disclosure requirement in § 301.2(5) (relating to advertising and sales presentation requirements). The written contract, required under subsection (a)(1) for the sale of a motor vehicle, must instead include, in a clear and conspicuous manner on the face of the document, information that the motor vehicle is sold “AS-IS” and a list of the conditions, as set forth in § 301.2(5) of this chapter, present in the motor vehicle.

(10) Failing to forward to the proper Commonwealth agency amounts and forms tendered by a purchaser, such as sales tax and transfer and registration fees, within the time prescribed by law.

(b) If the sales presentation and agreement of sale has been effected in a language other than English, the written information, notice and disclosures required by subsection (a) shall be given in the principal language in which the sale was transacted as well as English.

[Pa.B. Doc. No. 24-1016. Filed for public inspection July 19, 2024, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15]

Licensure by Endorsement

The State Board of Landscape Architects (Board) proposes to amend §§ 15.1 and 15.57 (relating to definitions; and registration by endorsement) and add §§ 15.58 and 15.59 (relating to licensure by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement licensure) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to “issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth” provided the applicant meets the following criteria: 1) “[h]olds a current license, certificate, registration or permit from another state, territory or country” whose licensing “requirements are substantially equivalent to or exceed the requirements. . . in this Commonwealth[;]” 2) “[d]emonstrates competency[;]” 3) “[h]as not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines” the conduct is not an impediment to granting the “license, certificate, registration or permit[;]” 4) “[i]s in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the. . . board or. . . commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit[;]” and 5) the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to “issue a provisional license, certificate, registration or permit” while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Further, section 4(9) of the Landscape Architects’ Registration Law (act) (63 P.S. § 904(9)) authorizes the Board to adopt and promulgate administrative rules and regulations, not inconsistent with the act, as are deemed necessary and proper by the Board to carry into effect the powers conferred by the act.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether the jurisdiction’s standards for licensure are substantially equivalent to or

exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. Applicants for licensure by endorsement will pay the application fee for licensure by endorsement, as provided in § 15.12 (relating to fees).

Description of the Proposed Amendments

The Board proposes to amend § 15.1 to include a definition of the term “jurisdiction” consistent with 63 Pa.C.S. § 3111. The Board also proposes to amend § 15.57 to follow through with the term “jurisdiction” in place of “state, territory or country” consistent with 63 Pa.C.S. § 3111, and to rename the section to distinguish registration by endorsement under the act from licensure by endorsement under 63 Pa.C.S. § 3111.

The Board further proposes to add § 15.58, to set forth the six criteria required for licensure by endorsement under 63 Pa.C.S. § 3111. Under proposed subsection (a)(1), an applicant shall have a current license, certificate, registration or permit in good standing to practice landscape architecture in another jurisdiction whose standards are substantially equivalent to those established by the Board. Proposed subsection (a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, if the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant’s expense, translation of the applicable law, regulation or other rule into English by a professional translation service.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of landscape architecture, completion of continuing education or evidence of having passed the National licensure examination for landscape architects within a certain time frame. To demonstrate competency by experience, an applicant must demonstrate active engagement in the practice of landscape architecture under a license, certificate, registration or permit in a substantially equivalent jurisdiction, or jurisdictions, for at least 2 of the 5 years immediately preceding the filing of the application. To demonstrate competency through completion of continuing education, an applicant must submit proof of completion of 24 hours of continuing education which meets the requirements of section 9.1 of the act (63 P.S. § 909.1), pertaining to professional competency requirements, and §§ 15.71—15.81 (relating to continuing education). The continuing education must be completed during the 24 months immediately preced-

ing the date of the application. The Board proposes completion of the continuing education within 24 months immediately preceding the date of the application because a 24-month limitation correlates with the Board's continuing education requirements for existing licensees to biennially renew their licenses. Finally, competency may be demonstrated by providing documentation of having successfully completed all parts of the national licensing examination, the Landscape Architect Registration Exam (LARE). For many years, passage of the exam has been one of the criteria for the Board's existing endorsement pathway (registration by endorsement under § 15.57). For applicants for licensure by endorsement under 63 P.S. § 3111 who cannot establish competency through experience or continuing education, the Board will accept a passing score on the LARE or its equivalent, as determined by the Board, provided the passing score was obtained at least 2 or more years, but no more than 5 years, prior to applying for licensure by endorsement in this Commonwealth.

Proposed subsection (a)(3) and (4) incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation, and prior discipline by the jurisdiction that issued the license.

Proposed subsection (a)(5) provides for payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the same as the current fee for endorsement applications provided in the Board's fee schedule at § 15.12, namely \$45. Next, proposed subsection (a)(6) requires applicants to apply for licensure in accordance with the act and Chapter 15 (relating to State Board of Landscape Architects) in the manner and format prescribed by the Board. In proposed § 15.58(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video teleconference for good cause shown.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 15.58(c) authorizes the Board, in its discretion, to determine that an act prohibited under section 4 of the act or § 15.63 (relating to misconduct) or disciplinary action by another jurisdiction are not impediments to the granting of a license, certificate, registration or permit by endorsement under 63 Pa.C.S. § 3111. Boards routinely consider whether discipline or prohibited acts are impediments to licensure. The types of things boards consider include the facts and circumstances surrounding the prohibited act or disciplinary action; an increase in age or maturity of the individual since the date of the prohibited act or disciplinary action; disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action; successful completion of education and training activities relating to the prohibited act or disciplinary action; and any other information relating to the fitness of the individual for licensure.

Consistent with 63 Pa.C.S. § 3111(b), proposed § 15.59 provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying the remaining requirements under 63 Pa.C.S. § 3111 and proposed § 15.58. Proposed § 15.59(b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon

a written request, the Board may extend the term of the license upon a showing of good cause.

Proposed § 15.59(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies or grants a license, or the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license.

Proposed § 15.59(d) clarifies that while an individual may reapply for a license by endorsement under proposed § 15.58, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Finally, under proposed § 15.59(e) the Board makes clear that holders of provisional licenses must follow the rules governing the proper use of a registrant's seal as set forth in section 9 of the act (63 P.S. § 909) and § 15.33 (relating to seals).

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement under 63 Pa.C.S. § 3111 will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$45 endorsement application fee as set forth in § 15.12 and may incur expenses relating to completing continuing education hours if they choose to demonstrate competency in that manner or costs associated with passing of the examination if they choose that option for demonstrating competency. Applicants who demonstrate competency through experience will have to pay the \$45 initial application fee.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 10, 2024, 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 chairperson of the Consumer Protection and Professional Licensure Committee of the Senate and the chairperson of the Professional Licensure Committee House of Representatives for review and comment. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Board Counsel, State Board of Landscape Architects, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within

30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference “16A-6121 (Licensure by Endorsement)” when submitting comments.

DINA KLAVON, RLA,
Chairperson

Fiscal Note: 16A-6121. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

GENERAL PROVISIONS

§ 15.1. Definitions.

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

* * * * *

Grade and character satisfactory to the Board—A varied and increased level of experience and responsibility evidenced by a comprehensive work sample, technical knowledge and professional experience.

Jurisdiction—A state, territory or country.

Responsible charge—Under section 2(5) of the act (63 P.S. § 902(5)), for experience to be satisfactory to the Board, it shall be progressive and of an increasing standard of quality and responsibility.

[EXAMINATIONS] REGISTRATION AND LICENSURE BY EXAMINATION AND BY ENDORSEMENT

§ 15.57. Registration by endorsement under section 6 of the act.

(a) *General requirements.* An applicant who has passed the examination, holds an unexpired license from another [**state or foreign country**] **jurisdiction**, has a graduate or undergraduate degree in landscape architecture from an approved institution or college and possesses 2 years of practical experience in landscape architecture of a grade or character satisfactory to the Board, may be granted registration by endorsement following the filing of an application and a Board review of the applicant’s comprehensive work sample.

(b) *Endorsement.*

(1) An applicant who requests registration by endorsement shall submit with the application an official certification of registration in the applicant’s home [**state, territory or country**] **jurisdiction** from the secretary of the examining or registration board or other certifying official, stating on what basis registration was granted, whether by oral or written examination or exemption, and whether the registration is in good standing at the time of the application for registration in this Commonwealth.

(2) An applicant who requests registration by endorsement shall submit with the application complete information relative to training, education and experience as may be required by the Board.

(c) *Exception.* An applicant who received a license from another jurisdiction, without having passed the examination, is not entitled to registration by endorsement.

(*Editor’s Note:* Sections 15.58 and 15.59 are proposed to be added and are printed in regular type to enhance readability.)

§ 15.58. Licensure by endorsement under 63 Pa.C.S. § 3111.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing to practice landscape architecture in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 6(a) and (b) of the act (63 P.S. § 906(a) and (b)), §§ 15.41, 15.53 and 15.54 (relating to general requirements; grading; and registration by examination). The following apply:

(i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant’s expense, the applicable law, regulation or other rule shall be translated into English by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the practice of landscape architecture by demonstrating, at a minimum, that the applicant has actively engaged in the practice of landscape architecture under a license, certificate, registration or permit in a substantially equivalent jurisdiction, or jurisdictions, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 24 clock hours of continuing education that meet the requirements of section 9.1 of the act (63 P.S. § 909.1) and §§ 15.71—15.81 (relating to continuing education) during the 24 months immediately preceding the date of the application.

(iii) Documentation of having achieved a passing score on the Landscape Architect Registration Examination (LARE) or its equivalent, as determined by the Board, provided the passing score was achieved at least 2 or more years but no longer than 5 years prior to the date of the application.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice landscape architecture under section 4 of the act (63 P.S. § 904) or § 15.63 (relating to misconduct).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the application for licensure by endorsement fee as required by § 15.12 (relating to fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request that the interview be conducted by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 4 of the act or § 15.63, or disciplinary action by another jurisdiction, are not impediments to licensure under 63 Pa.C.S. § 3111.

§ 15.59. Provisional endorsement licensure.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying the remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 15.58 (relating to licensure by endorsement under 63 Pa.C.S. § 3111).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 15.58 after expiration or termination of a provisional endorsement license; however, the individual will not be issued a subsequent provisional endorsement license.

(e) *Use of seal.* An individual issued a provisional endorsement license shall follow the rules governing the proper use of a registrant's seal under section 9 of the act (63 P.S. § 909) and § 15.33 (relating to seals).

[Pa.B. Doc. No. 24-1017. Filed for public inspection July 19, 2024, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Licensure by Endorsement

The State Board of Dentistry (Board) proposes to amend § 33.1 (relating to definitions) and add §§ 33.107a and 33.107b (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to “issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth” provided the applicant meets the following criteria: “[h]olds a current license, certificate, registration or permit from another state, territory or country” whose “licensing. . . requirements are substantially equivalent to or exceed the requirements. . . in this Commonwealth[;]” “demonstrates competency[;]” “[h]as not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the. . . board or. . . commission determines” the conduct is not an impediment to granting the “license, certificate, registration or permit[;]” “[i]s in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the. . . board or. . . commission determines” this conduct is not an impediment to granting the “license, certificate, registration or permit” and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to “issue a provisional license, certificate, registration or permit” while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Section 3(o) of The Dental Law (act) (63 P.S. § 122(o)) grants the Board authority “[t]o adopt, promulgate, and enforce such rules and regulations as may be deemed necessary by the board and proper to carry into effect the powers hereby conferred.”

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license, certificate, registration or permit to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of a provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement for dentists, dental hygienists and expanded function dental assistants (EFDA), including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

Description of the Proposed Amendments

The Board proposes to amend § 33.1 by adding a definition for the term “jurisdiction” consistent with

63 Pa.C.S. § 3111. Proposed § 33.107a requires an applicant to satisfy seven criteria required for licensure by endorsement. Under proposed subsection (a)(1), an applicant shall have a current license, certification, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed standards established under section 3(c), (d) and (d.1) of the act, and §§ 33.102 and 33.103 (relating to professional education; and examinations). Proposed subsection (a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant's expense, translation of the applicable law, regulation or other rule by a professional translation service.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of the profession. To demonstrate competency by experience, an applicant must demonstrate active engagement in the practice of the profession for at least 2 of the 5 years immediately preceding the filing of the application under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions, that issued the license, certificate, registration or permit.

Proposed subsection (a)(3) and (4) incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession, and prior discipline by the jurisdiction that issued the license.

Proposed subsection (a)(5) provides for payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). The applicable fees for licensure by endorsement are in the Board's existing fee schedule in § 33.3 (relating to fees) under "application fees."

Next, proposed subsection (a)(6) requires that applicants meet the professional liability requirements under the act and Chapter 33, including compliance with professional liability insurance requirements as set forth in section 3.2 of the act (63 P.S. § 122.2).

Finally, proposed subsection (a)(7) requires completion of 3 hours of training in child abuse recognition and reporting, which is mandated continuing education under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training) and § 33.256 (relating to child abuse recognition and reporting—mandatory training requirement).

In proposed § 33.107a(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, to the extent practicable, the Board intends to offer flexibility in the manner in which an interview is conducted to include teleconference or video conferencing.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), subsection (c) gives the Board discretion to determine that an act prohibited under section 4.1 of the act (63 P.S. § 123.1) or disciplinary action by another jurisdiction are

not impediments to the granting of a license, certification, registration or a permit by endorsement under 63 Pa.C.S. § 3111. Boards routinely consider whether discipline or prohibited acts are impediments to licensure. The types of things Boards consider include the facts and circumstances surrounding the prohibited act or disciplinary action; an increase in age or maturity of the individual since the date of the prohibited act or disciplinary action; disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action; successful completion of education and training activities relating to the prohibited act or disciplinary action; and any other information relating to the fitness of the individual for licensure.

Consistent with 63 Pa.C.S. § 3111(b), proposed § 33.107b provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 33.107a. Proposed subsection (b)(1) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, under paragraph (2), upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed subsection (c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board grants or denies a license, the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license or the provisional endorsement license expires. Finally, proposed subsection (d) clarifies that while an individual may reapply for a license by endorsement under proposed § 33.107a, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Under § 33.3, all applicants, including licensure by endorsement applicants, must pay an application fee (\$235 application fee for dentists, \$140 application fee for dental hygienists and \$110 application fee for EFDAs). Applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 10, 2024, 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 chairperson of the Consumer Protection and Professional Licensure Committee of the Senate and the chairperson of the Professional Licensure Committee of the House of Representatives. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Regulatory Counsel, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference "16A-4635 (Licensure by Endorsement)" when submitting comments.

JENNIFER UNIS SULLIVAN, DMD, JD,
Chairperson

Fiscal Note: 16A-4635. No fiscal impact; recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

* * * * *

Individual study—A course of continuing education offered by an approved program sponsor, which permits the participant to learn without interacting with an instructor or interactive learning methodologies and which requires a passing grade on a written examination or workbook.

Jurisdiction—A state, territory or country.

Local anesthesia—The elimination of sensations, especially pain, in one part of the body by regional injection of an anesthetic agent.

* * * * *

Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS AND CERTIFICATION OF EXPANDED FUNCTION DENTAL ASSISTANTS

(*Editor's Note:* Sections 33.107a and 33.107b are proposed to be added and are printed in regular type to enhance readability.)

§ 33.107a. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing to practice as a dentist, dental hygienist or expanded function dental assistant in an-

other jurisdiction whose licensure standards are substantially equivalent to or exceed those established under section 3(c), (d) and (d.1) of the act (63 P.S. § 122(c), (d) and (d.1)) and §§ 33.102 and 33.103 (relating to professional education; and examinations).

(i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule and scope of practice is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule and scope of practice shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule and scope of practice must include the enactment date.

(2) Demonstrate competency by establishing experience in the practice of the profession by demonstrating, at a minimum, that the applicant has actively engaged in the licensed practice of their profession under a license, certificate, registration or permit in a jurisdiction or jurisdictions that have substantially equivalent licensure standards for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice under section 4.1 of the act (63 P.S. § 123.1).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the required application fee as required by § 33.3 (relating to fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board, including satisfaction of the professional liability insurance requirements under the act in section 3.2 of the act (63 P.S. § 122.2).

(7) Have completed 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training) and § 33.256 (relating to child abuse recognition and reporting—mandatory training requirement).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 4.1 of the act or a disciplinary action by another jurisdiction are not impediments to the granting of a license under 63 Pa.C.S. § 3111.

§ 33.107b. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying the remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 33.107a (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice up to 1 year after the date of issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon written request and showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and grants or denies the license.

(2) When the holder of the provisional license fails to comply with the terms of a provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 33.107a after expiration or termination of a provisional endorsement license. The individual may not be issued a subsequent provisional endorsement license.

[Pa.B. Doc. No. 24-1018. Filed for public inspection July 19, 2024, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Human Services

The Executive Board approved a reorganization of the Department of Human Services effective June 26, 2024.

The organization chart at 54 Pa.B. 4135 (July 20, 2024) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 24-1019. Filed for public inspection July 19, 2024, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

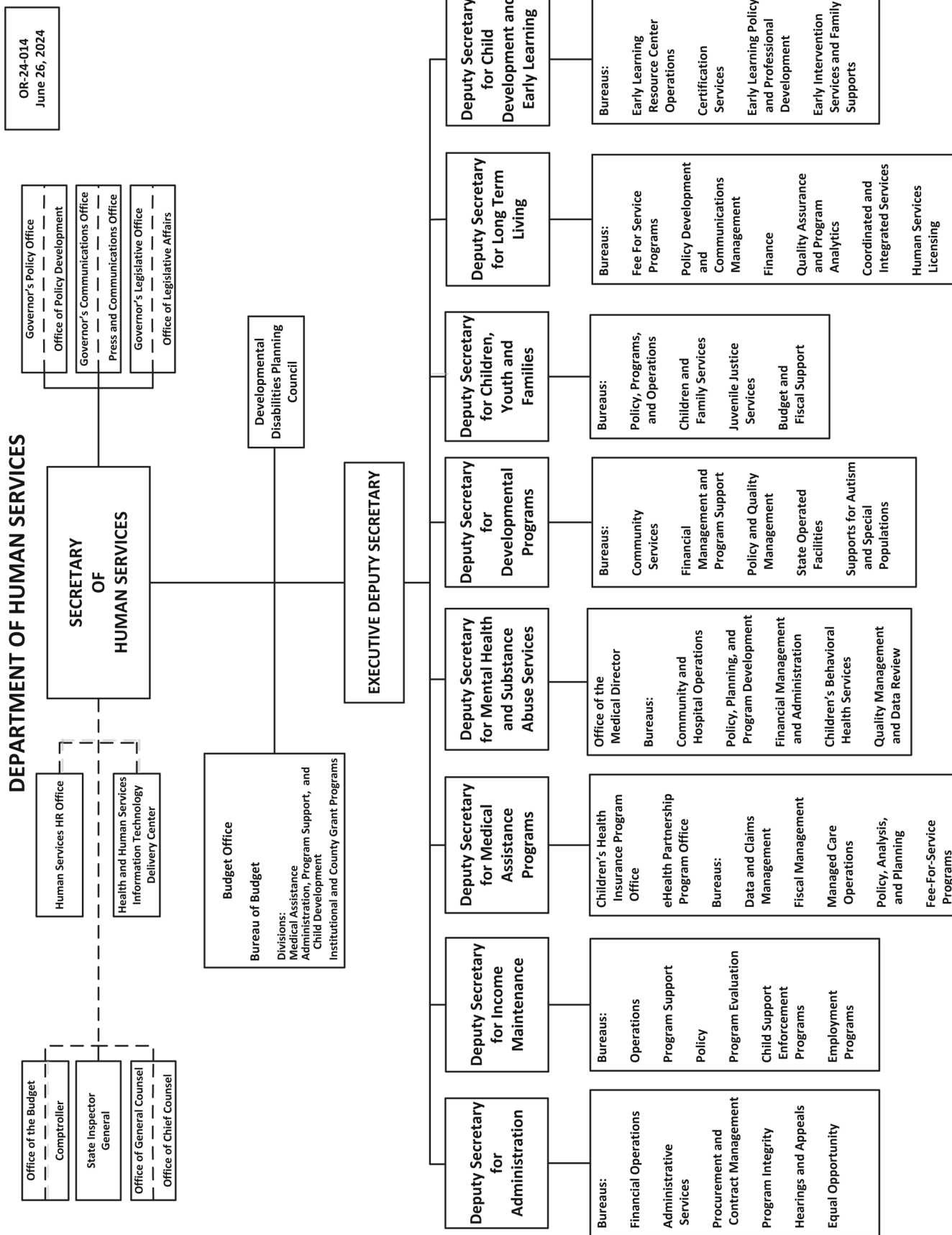
Reorganization of the Office of State Inspector General

The Executive Board approved a reorganization of the Office of State Inspector General effective July 8, 2024.

The organization chart at 54 Pa.B. 4137 (July 20, 2024) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

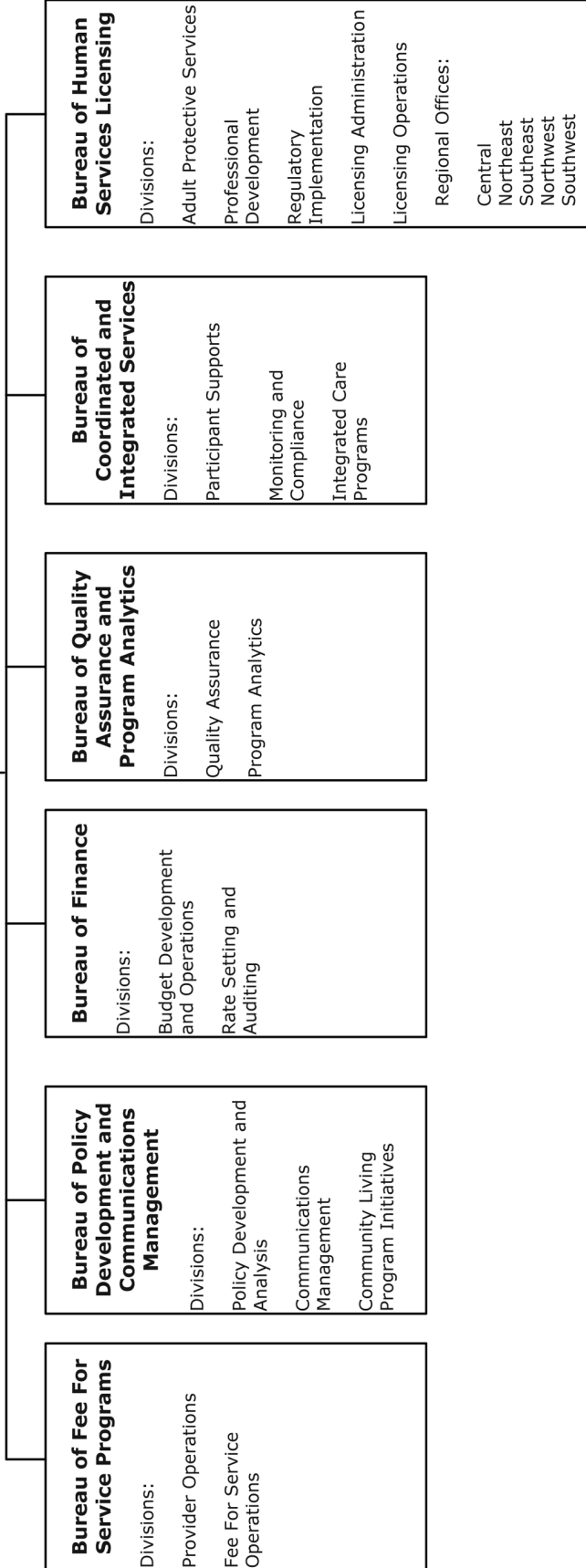
[Pa.B. Doc. No. 24-1020. Filed for public inspection July 19, 2024, 9:00 a.m.]



OR-24-014
June 26, 2024

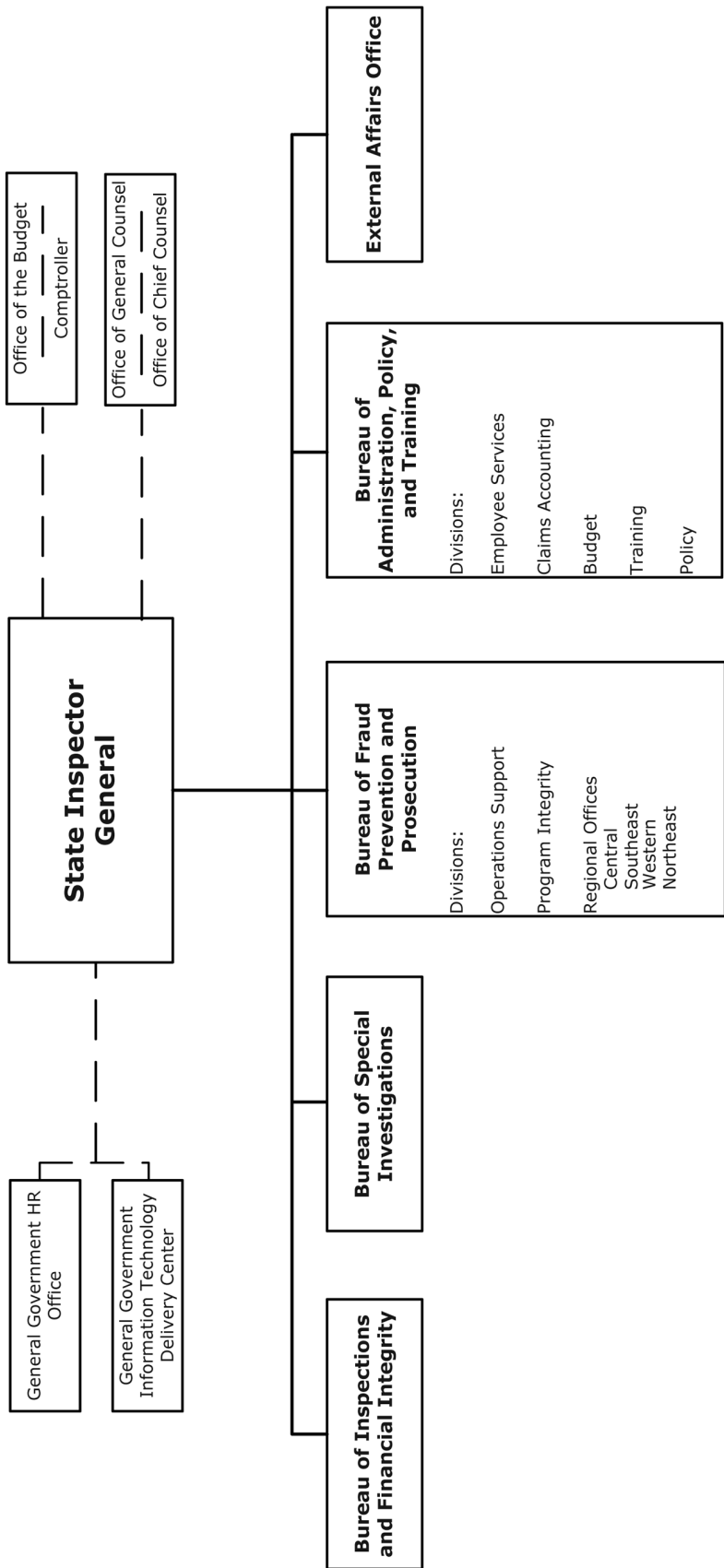
**DEPARTMENT OF HUMAN SERVICES
DEPUTY SECRETARY FOR LONG TERM LIVING**

DEPUTY SECRETARY FOR LONG TERM LIVING



OFFICE OF STATE INSPECTOR GENERAL

OR-24-013
July 8, 2024



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 July 9, 2024.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, may file comments in writing with the Department, for Bank Supervision, by e-mail to ra-bnbnksbmsnspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240, or for credit unions or trust companies (717) 783-2253.

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
07-09-2024	GELT Bancorp, Inc. Bird-in-Hand Lancaster County Application for approval to acquire 100% of Bank of Bird-in-Hand, Bird-in-Hand, Lancaster County.	Accepted

CREDIT UNIONS

No activity.

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 24-1021. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Draft 2023 Action Plan for the Recovery Housing Program

On October 24, 2018, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act or SUPPORT for Patients and Communities Act (Pub.L. No. 115-271) was signed into law to respond to the growing effects of the opioid public health crisis. The United States Department of Housing and Urban Development (HUD) awarded \$1,288,739 of Recovery Housing Program (Program) funds to the Commonwealth, which will be administered by the Department of Community and Economic Development (Department). The Commonwealth is required to notify and provide its citizens an opportunity to comment and

provide input on the draft Action Plan or any substantial amendment to the Action Plan, or both.

The purpose of the Program is to help grantees to provide stable, temporary housing to individuals in recovery from a substance disorder. More specifically, the Program would provide funds to develop housing or maintain housing for individuals.

Public Review and Comment Period

The draft Action Plan will be available for a 15-day public comment period, in accordance with the *Federal Register* notice. The Action Plan may be viewed on the Department's web site at <https://dced.pa.gov/library/?wpdmc2=action-plans-2019-2023>. The Action Plan will be available for public comment from July 20, 2024, until August 5, 2024.

A hybrid public hearing will be held on August 1, 2024, at 2 p.m. at the Conference Room 4 West, Department of Community and Economic Development, Commonwealth

Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 for individuals interested in attending in person.

Individuals who want to attend virtually through Microsoft Teams should dial (267) 332-8737 and enter conference ID 489 262 433#.

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

Persons with a disability or limited English proficiency who wish to participate in the public hearing should contact David Grey at (717) 214-5341 or TDD at (717) 346-0308 to discuss how the Department can accommodate their requests.

Comments on the Program Action Plan may be electronically submitted to the Department at

dcedchdpubliccomments@pa.gov. Comments will also be accepted by telephone by calling (717) 787-5327. Written comments may be submitted to David Grey, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Comments must be received by 4 p.m. on August 5, 2024, to be included as testimony in the Program Action Plan that will be submitted to HUD.

RICK SIGER,
Secretary

[Pa.B. Doc. No. 24-1022. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

Section II identifies individual NPDES permit applications received and draft permits indicating DEP's tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public

comment period applies to these applications and draft permits, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of DEP for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP's tentative determinations may be reviewed by generating the "Applications Received with Comment Periods Report" on DEP's website at www.dep.pa.gov/CWPublicNotice. Notification of 15-day extensions for comment will be provided in the "Applications Received with Comment Periods Report" (Comments column).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD190001	Chapter 102 Individual NPDES Permit	Transfer	Berks at Sunland Preserve LLC 197 Point Township Drive Northumberland, PA 17857-8852	Hemlock Township Columbia County	NCRO
0624803	Joint DEP/PFBC Pesticides Permit	New	Green Hills Realty Assoc LP 2675 Morgantown Road Reading, PA 19607-9676	Cumru Township Berks County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0918812	Joint DEP/PFBC Pesticides Permit	Amendment	Blattner Brandon 5 Quail Drive Doylestown, PA 18901	Doylestown Township Bucks County	SERO
1524808	Joint DEP/PFBC Pesticides Permit	New	Newlin Greene HOA P.O. Box 878 Unionville, PA 19375-0878	Newlin Township Chester County	SERO
1524809	Joint DEP/PFBC Pesticides Permit	New	Quail Hill Springs HOA 12 Quail Hill Lane Downingtown, PA 19335-1083	East Brandywine Township Chester County	SERO
1524810	Joint DEP/PFBC Pesticides Permit	New	Pink Ribbon Farm 1205 Limestone Road Oxford, PA 19363-1020	Upper Oxford Township Chester County	SERO
3024800	Joint DEP/PFBC Pesticides Permit	New	Faver Callie B 259 Headley Hollow Road Wind Ridge, PA 15380-1103	Richhill Township Greene County	SWRO
3024801	Joint DEP/PFBC Pesticides Permit	New	Hart Cheryl 711 S Eighty Eight Road Carmichaels, PA 15320	Carmichaels Borough Greene County	SWRO
3624804	Joint DEP/PFBC Pesticides Permit	New	Grillo Judy 4753 Elizabethtown Road Manheim, PA 17545-8369	Rapho Township Lancaster County	SCRO
0288204	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Pittsburgh City Allegheny County	SWRO
2824404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Peters Township Municipal Authority P.O. Box 19 5000 Steele Avenue Lemasters, PA 17231-0019	Peters Township Franklin County	SCRO
3901402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Lehigh County Authority 112 W Union Street Allentown, PA 18102-4912	Weisenberg Township Lehigh County	NERO
NOEXSC144	No Exposure Certification	Renewal	Swab Wagon Co. Inc. 44 S Callowhill Street P.O. Box 919 Elizabethville, PA 17023-6601	Elizabethville Borough Dauphin County	SCRO
NOEXSC334	No Exposure Certification	Renewal	Roechling Medical Lancaster 44 Denver Road Denver, PA 17517-9334	East Cocalico Township Lancaster County	SCRO
NOEXSC425	No Exposure Certification	New	FedEx Supply Chain 221 S 10th Street Lemoyne, PA 17043-1775	Lemoyne Borough Cumberland County	SCRO
NOEXSC426	No Exposure Certification	New	Sandridge Crafted Foods 304 Commerce Street New Oxford, PA 17350-1723	New Oxford Borough Adams County	SCRO
NOEXSE054	No Exposure Certification	Renewal	Parker Hannifin Corp 245 Township Line Road Hatfield, PA 19440-1752	Franconia Township Montgomery County	SERO
PAG036588	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Maroneys Foreign Cars & Parts Road 1 Box 152 Smithton, PA 15479	South Huntingdon Township Westmoreland 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>
PAG038416	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lindy Paving Products Inc. P.O. Box 282 Hillsville, PA 16132-0282	Mahoning Township Lawrence County	NWRO
PAG038602	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Wilbert Funeral Service Inc. 3500 College Boulevard Leawood, KS 66211-1901	Blairsville Borough Indiana County	NWRO
PAG041366	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Heather Wilson & John Arp 1347 Valentine Run Road Russell, PA 16345-3137	Pine Grove Township Warren County	NWRO
PAG041367	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Beth & Randy Knoll 1040 Townhall Road W Erie, PA 16509-5020	Summit Township Erie County	NWRO
PAG046145	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Schmider Chris 1819 North Road McDonald, PA 15057-2163	North Fayette Township Allegheny County	SWRO
PAG136376	PAG-13 NPDES General Permit for MS4s	Renewal	Belle Vernon Borough Fayette County 10 Main Street Belle Vernon, PA 15012-1125	Belle Vernon Borough Fayette County	SWRO
2824402	Pump Stations Individual WQM Permit	New	Chambersburg Borough Franklin County 100 S 2nd Street Chambersburg, PA 17201-2515	Chambersburg Borough Franklin County	SCRO
2824403	Pump Stations Individual WQM Permit	New	Chambersburg Borough Franklin County 100 S 2nd Street Chambersburg, PA 17201-2515	Chambersburg Borough Franklin County	SCRO
5624400	Sewer Extensions Individual WQM Permit	Amendment	Somerset Borough Municipal Authority Somerset County 347 W Union Street Somerset, PA 15501-1543	Somerset Borough Somerset County	SWRO
5624401	Sewer Extensions Individual WQM Permit	Amendment	Somerset Borough Municipal Authority Somerset County 347 W Union Street Somerset, PA 15501-1543	Somerset Borough Somerset County	SWRO
PA0255891	Single Residence STP Individual NPDES Permit	Transfer	Bedillion Amanda 295 Vaneal Road Washington, PA 15301-8044	South Franklin Township Washington County	SWRO
0294803	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Schmider Chris 1819 North Road McDonald, PA 15057-2163	North Fayette Township Allegheny County	SWRO
6321400	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Bedillion Amanda 295 Vaneal Road Washington, PA 15301-8044	South Franklin Township Washington 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.

Central Office

PA0270831, Pesticides, SIC Code 0782, **PA Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9762.

Description of Existing Activity: The application is for a renewal of an NPDES permit for a renewal of an Individual NPDES permit for discharges associated with the application of pesticides in **Lawrence, Luzerne, Mercer, and Pike Counties**.

The receiving stream(s), Bear Creek (Unnamed Tributary to Meadow Run) (HQ-CWF, MF), Hunters Run (TSF), Shohola Creek (HQ-CWF, MF), Jamison Run (CWF), and Unnamed Tributary of Jamison Run (CWF), are located in State Water Plan watershed(s) 2-A, 20-C, 1-D, and 20-A and are classified for Trout Stocking, High Quality—Cold Water, Migratory Fish, and Cold Water Fishes, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-787-5017.

The EPA waiver is in effect.

Northcentral Regional Office

PA0209627, Sewage, SIC Code 4952, **Stoltzfus Farms, Inc.**, 2620 Egypt Road, Norristown, PA 19403-2302. Facility Name: Stoltzfus Farms, Inc. This existing facility is located in Shippen Township, **Tioga 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), Stowell Run, is located in State Water Plan watershed 9-A and is classified for HQ-CWF, 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.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	Annl Avg	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
				Avg Mo		

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

PA0034070, Sewage, SIC Code 5271, **Glencrest MHP LLC**, 139 Country Club Road, Northampton, PA 18067-3028. Facility Name: Glencrest MHP. This existing facility is located in Washington Township, **Lehigh 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 of Mill Creek (CWF, MF), is located in State Water Plan watershed 2-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .035 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Minimum Monthly Average</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	Avg Mo	Daily Max	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Inst Min	0.07	XXX	0.21
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Minimum Monthly Average	Average Weekly		Average Monthly	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅ Minimum % Removal (%)	85	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	6.9	XXX	13.8
May 1 - Oct 31	XXX	XXX	XXX	2.3	XXX	4.6
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .035 MGD.—Limits.

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

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

- Solids Management
- Chlorine Minimization

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

PA0070114, Sewage, SIC Code 6515, **Diversified Management Solutions LLC**, P.O. Box 133, Selinsgrove, PA 17870-0133. Facility Name: Melanie Manor MHP. This existing facility is located in Union Township, **Schuylkill County**.

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

The receiving stream(s), Unnamed Tributary to Dark Run (HQ-CWF), is located in State Water Plan watershed 5-E 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 .018 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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report Annl Avg	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .018 MGD.—Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	14.0	XXX	28

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

- Solids Management
- TRC Minimalization

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

PA0276863, Sewage, SIC Code 4952, **Davies Michelle**, 8278 Mertztown Road, Alburtis, PA 18011-9516. Facility Name: 8278 Mertztown Road Lower Macungie. This proposed facility is located in Lower Macungie Township, **Lehigh County**.

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

The receiving stream(s), Little Lehigh Creek (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 .0006 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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0

The proposed effluent limits for Outfall 001 are based on a design flow of .0006 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.02

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

- UV (Ultraviolet) Disinfection
- TRC Effluent Limitations Lower than Quantitation Limits

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

PA0276162, Storm Water, SIC Code 4222, 4225, **C&S Wholesale Grocers, Inc.**, 125 N Commerce Way, Bethlehem, PA 18017-8933. Facility Name: Bethlehem 4. This existing facility is located in Bethlehem Township, **Northampton 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 Monocacy Creek (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)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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.

Southcentral Regional Office

PA0086291, Industrial, SIC Code 4922, **Texas Eastern Trans LP**, P.O. Box 1642, Houston, TX 77251-1642. Facility Name: TETLP Perulack Compressor Station. This existing facility is located in Lack Township, **Juniata County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste (from a groundwater remediation system).

The receiving stream(s), Unnamed Tributary to Lick Run (CWF, MF), is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.144 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Quarterly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	Avg Qrtly XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
PCBs, Total (ug/L)	XXX	XXX	XXX	0.0008	0.001	0.002

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

- WQBELs Below Quantitation Limits (QL): Total PCBs QL = 0.5 ug/L
- Groundwater Cleanup

o Annual Report—The permittee shall submit a complete Annual Report to the DEP office that issued the permit on the anniversary date of this permit using DEP's Annual Report template attached to this permit. The 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 Annual Report. The permittee shall submit the Annual Report electronically if notified by DEP in writing. (25 Pa. Code § 92a.61(g)).

o The cleanup operation shall continue until a minimum of one year's data of the untreated groundwater (samples taken at least quarterly) have documented a concentration that is protective of the environment. Written approval to terminate must be received from DEP's Clean Water Program prior to shutdown.

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0294438, Storm Water, SIC Code 4213, **Saia Motor Freight Line LLC**, 11465 Johns Creek Parkway, Duluth, GA 30097-1574. Facility Name: Saia Motor Freight Line LLC—HBG. This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Activity: The application is for a new NPDES permit for discharge of stormwater associated with industrial activity.

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

The proposed effluent limits for Outfall 001:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), including Applicable BMPs from Appendix L from the PAG-03 (effective 3/24/2023)
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements
- Other Requirements

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

The EPA Waiver is in effect.

Southeast Regional Office

PA1130511, MS4, **West Bradford Township, Chester County**, 1385 Campus Drive, Downingtown, PA 19335-3690.

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 West Bradford Township, **Chester County**. The receiving stream(s), Broad Run (EV, MF), Unnamed Tributary of Beaver Creek (CWF, MF), Unnamed Tributary to West Branch Brandywine Creek (CWF, MF), East Branch Brandywine Creek (WWF, MF), Unnamed Tributary to Beaver Creek (CWF, MF), Unnamed Tributary of West Branch Brandywine Creek (EV, MF), and Unnamed Tributary to Broad Run (EV, MF), is located in State Water Plan watershed 3-H and is classified for Exceptional Value Waters, Migratory Fish, Warm Water Fishes, Migratory Fishes, and Cold Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Total Maximum Daily Load (TMDL) Plan

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

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

Southwest Regional Office

PA0217654, Sewage, SIC Code 4952, **Seward Borough & Saint Clair Township Sanitary Authority**, 815 Stiles Road, Seward, PA 15954-0494. Facility Name: Sugar Run STP. This existing facility is located in Saint Clair 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), Conemaugh River (WWF) and Unnamed Tributary to Conemaugh River (CWF), is located in State Water Plan watershed 18-D and is classified for Warm Water Fishes and 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 .381 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .381 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	75	120	XXX	25.0	38.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	95	140	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .381 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>	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Groundwater			Inst Min			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Groundwater						
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Groundwater						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Groundwater						
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Groundwater						

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

PA0090522, Industrial, SIC Code 4953, **Marlborough US Realty Holdings LP**, P.O. Box 241, Harrison City, PA 15636-0241. Facility Name: Ambridge Landfill. This existing facility is located in Ambridge Borough, **Beaver 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), Unnamed Tributary to Ohio River (WWF) and Ohio River (WWF), is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	60.0	XXX	XXX
Oil and Grease	XXX	XXX	XXX	20.0	XXX	XXX
Cadmium, Total	XXX	XXX	XXX	Report	XXX	XXX
Chromium, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	7.0	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	4.0	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Tin, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX
PFOA	XXX	XXX	XXX	Report	XXX	XXX
PFOS	XXX	XXX	XXX	Report	XXX	XXX
HFPO-DA	XXX	XXX	XXX	Report	XXX	XXX
PFBS	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	XXX	XXX	XXX	Report	XXX	XXX
Chromium, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Tin, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	XXX	XXX	XXX	Report	XXX	XXX
Chromium, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Tin, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0096971, Industrial, SIC Code 4941, **West Carroll Township Water & Sewer Authority**, P.O. Box 328, Elmora, PA 15737-0328. Facility Name: Bakerton System. This existing facility is located in West Carroll Township, **Cambria 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), West Branch Susquehanna River (WWF, MF), is located in State Water Plan watershed 8-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a discharge flow of 0.004 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
		Daily Max				

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.24	0.561	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	1.01	1.57	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0203661, Industrial, SIC Code 2819, **Reaxis Inc.**, 941 Robinson Highway, McDonald, PA 15057-2213. Facility Name: Reaxis Inc. This existing facility is located in Robinson Township, **Washington 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), Unnamed Tributary of Robinson Run (WWF), is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on an effluent discharge rate of 0.046 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	56.2	XXX
Jan 1 - 31						
Feb 1 - 29	XXX	XXX	XXX	XXX	55.5	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	56.7	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	55.3	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	60.3	XXX
May 1 - 15	XXX	XXX	XXX	XXX	68.6	XXX
May 16 - 31	XXX	XXX	XXX	XXX	79.7	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	56.9	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	91.6	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	89.2	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	88.8	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	88.6	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	87.0	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	80.3	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	73.8	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	67.4	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	58.9	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	55.1	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	55.8	XXX

The proposed effluent limits for Outfall 102:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX

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

The temperature limitations in this permit represent the Department's approval of the thermal variance request submitted by the permittee in accordance with Section 316(a) of the Federal Clean Water Act. The application for renewal of this variance must be submitted with the permit renewal application six (6) months prior to the expiration date of this permit. As with the remainder of the permit, if the variance renewal supplement is complete, the variance will be automatically continued and will remain fully effective and enforceable pending the approval or denial of the variance request. The variance renewal application may require collection of seasonal stream data; therefore, the permittee should contact the Department eighteen (18) months in advance of permit expiration to determine what data is required for renewal of the variance.

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

PA0285323, Storm Water, SIC Code 4212 & 7538, **Waste Management of Pennsylvania, Inc.**, 260 Laurel Ridge Road, Johnstown, PA 15909-4032. Facility Name: Laurel Highlands Hauling Company & CNG Fueling. This proposed facility is located in Jackson Township, **Cambria County**.

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

The receiving stream, Laurel Run (HQ-CWF), is located in State Water Plan watershed 18-D and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, 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 412-442-4000.

The EPA Waiver is in effect.

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

Northeast Regional Office

Applicant: **D.R. Horton, Inc., c/o Jeffrey Strauss**

Applicant Address: 2060 Detweiler Road, Suite 103, Harleysville, PA 19438

Application Number: **PAD390305**

Application Type: New

Municipality/County: Upper Macungie Township, **Lehigh County**

Project Site Name: Twin Ponds Mixed-Use Development

Total Earth Disturbance Area (acres): 9.50 acres

Surface Waters Receiving Stormwater Discharges: Tributary to Little Lehigh Creek (aka Breinig Run) (HQ-CWF, MF)

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

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

Project Description: D.R. Horton, Inc. is proposing a mixed-use development that consists of 9.50 disturbed acres located in Upper Macungie Township. The proposed development will consist of 132 apartment units and a 10,500 square foot daycare facility with and 8,500 square foot outdoor play area. The proposal includes the installation of roadways, driveways, utilities, landscaping, and stormwater management controls necessary to support the development.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northeast Regional Office

Applicant: **Steven Kachmar**

Applicant Address: 2593 Boger Stadt Road, Fogelsville, PA 18051

Application Number: **PAD390315**

Application Type: New

Municipality/County: Weisenberg Township, **Lehigh County**

Project Site Name: Steven Kachmar

Total Earth Disturbance Area (acres): 2.10 acres

Surface Waters Receiving Stormwater Discharges: UNT to Jordan Creek (HQ-CWF, MF)

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

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

Project Description: The lot was previously permitted under NPDES Permit No. PAD390089. This project will involve the removal of an existing infiltration basin on the lot, and the construction of a swimming pool in that location. This application will demonstrate that the existing on lot BMPs are sufficient to handle the increased runoff from the new impervious area. Stormwater management for the increased runoff from the new impervious area will be provided by an existing above ground infiltration basin, an existing retentive berm, and from an existing seepage pit, which are to remain unchanged.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northcentral Regional Office

Applicant: **AAA State College Storage & Warehousing LLC**

Applicant Address: 171 Manhasset Dr., Port Matilda, PA 16870

Application Number: **PAD140102**

Application Type: New

Municipality/County: Benner Township, **Centre County**

Project Site Name: The Cascade Development

Total Earth Disturbance Area (acres): 16.3 acres

Surface Waters Receiving Stormwater Discharges: UNT to Buffalo Run (HQ-CWF, MF)

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

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

Project Description: Mixed use development with 146 residential units and 73 commercial units. Construction will include accompanying roadways, drive aisle, stormwater, water and sanitary sewer systems.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Southeast Regional Office

Applicant: **East Vincent Development Company, LP**

Applicant Address: 600 Eagleview Boulevard, Suite 300, Exton, PA 19341

Application Number: **PAD150338**

Application Type: New

Municipality/County: East Vincent Township, **Chester County**

Project Site Name: Jones Motor Tract—Residential

Total Earth Disturbance Area (acres): 104.01 acres

Surface Waters Receiving Stormwater Discharges: UNT to Schuylkill River (HQ, TSF, MF), UNT to Stony Run (HQ, TSF, MF)

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

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

Project Description: Proposed 157 age restricted residential units, 101 single family units, 108 townhouse units, located at 1012 West Bridge Street. Project also includes site restoration of several large commercial buildings to be demolished and returned to a vegetative state.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **Episcopal Academy**

Applicant Address: 1785 Bishop White Drive, Newtown Square, PA 19073

Application Number: **PAD230078**

Application Type: New

Municipality/County: Newtown Township, **Delaware County**

Project Site Name: Episcopal Academy—Middle School Drop-off Area

Total Earth Disturbance Area (acres): 2.84 acres

Surface Waters Receiving Stormwater Discharges: Unnamed Tributary 00720 to Crum Creek via storm sewer (HQ-CWF, MF), Lewis Run (HQ-CWF, MF)

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

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

Project Description: The purpose of this project is to propose site improvements to the middle school drop-off area along Bishop White Drive and associated site improvements.

Special Conditions: N/A

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

Southeast Regional Office

Applicant: **City of Philadelphia, Department of Aviation**

Applicant Address: Planning and Environmental Services, PHL Terminal D, 3rd Floor, Philadelphia, PA 19153

Application Number: **PAD510010 A-11**

Application Type: Major Amendment

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

Project Site Name: PNE TW L Rehabilitation Pkg. 3

Total Earth Disturbance Area (acres): 7.51 acres

Surface Waters Receiving Stormwater Discharges: Wooden Bridge Run Tributary to Pennypack Creek (TSF), Walton Run to Poquessing Creek (WWF-MF)

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

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

Project Description: This project consists of the rehabilitation of an existing paved taxiway. See the attached Project Status Summary Table and PNE NPDES Permit Master Plan.

Special Conditions: N/A

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

Southcentral Regional Office

Applicant: **National Rail Passenger Corporation (Amtrak)**

Applicant Address: 30th St. Station, 2955 Market Street, Philadelphia, PA 19104

Application Number: **PAD360116**

Application Type: New

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

Project Site Name: Amtrak Conestoga

Total Earth Disturbance Area (acres): 3.5 acres

Surface Waters Receiving Stormwater Discharges: Conestoga River (WWF, MF)

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

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

Project Description: Upgrade existing electrical infrastructure of Amtrak Substation and demolish/replace one building.

Special Conditions: Endangered Bats—Removal of trees within the project area may have the potential of effecting endangered Indiana bats. Tree cutting activities shall be done only from November 16 to March 31.

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

Northeast Regional Office

Applicant: **Duck Harbor Equestrian Center, Inc.**

Applicant Address: 617-A Duck Harbor Road, Equinunk, PA 18417

Application Number: **PAD640047**

Application Type: New

Municipality/County: Damascus Township, **Wayne County**

Project Site Name: The Farmstead at Duck Harbor

Total Earth Disturbance Area (acres): 9.31 acres

Surface Waters Receiving Stormwater Discharges: UNT to Little Equinunk Creek (HQ-CWF, MF)

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

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

Project Description: The project involves the construction of six residential buildings, access roads, utilities, and associated stormwater management facilities as a part of a new subdivision.

Special Conditions: Riparian Buffer Implementation Requirements. 1. The permittee shall maintain an existing riparian buffer or riparian forest buffer, convert a riparian buffer to a riparian forest buffer or establish a new riparian buffer or riparian forest buffer (either on the project site or at a separate off-site location within the same drainage list as the project site) in accordance with Riparian Buffer Module 4 (3800-PM-BCW0406d) and the approved PCSM Plan to satisfy riparian buffer requirements of 25 Pa. Code § 102.14 or Section 402(c) of Pennsylvania's Clean Streams Law. 2. An existing, converted or newly established riparian forest buffer must meet the requirements set forth in 25 Pa. Code § 102.14(b). 3. The permittee shall comply with the mandatory requirements for all riparian buffers at 25 Pa. Code § 102.14(c). 4. The permittee shall provide for permanent protection of riparian buffers in accordance with 25 Pa. Code § 102.14(g). 5. The permittee shall submit DEP Form ID 3000-FM-OWP0100, PA Stream Buffer Tracking form, or equivalent, to DEP/CCD within one year of establishment or protection of the riparian buffer.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northeast Regional Office

Applicant: **Bethlehem Parking Authority**

Applicant Address: 85 West North Street, Bethlehem, PA 18018-3920

Application Number: **PAD480191 A-1**

Application Type: Major Amendment

Municipality/County: City of Bethlehem, **Northampton County**

Project Site Name: Walnut Street Parking Garage

Total Earth Disturbance Area (acres): 1.52 acres

Surface Waters Receiving Stormwater Discharges: Monocacy Creek (HQ-CWF, MF)

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

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

Project Description: The project involves the demolition of an existing parking garage, site restoration and construction of 588 space parking garage with 3,050 square feet of retail space.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northeast Regional Office

Applicant: **Mountaintop Area Joint Sanitary Sewer Authority**

Applicant Address: 290 Morio Drive, Mountain Top, PA 18707

Application Number: **PAD400085**

Application Type: New

Municipality/County: Fairview Township, **Luzerne County**

Project Site Name: Glen Summit Sanitary Sewer Project

Total Earth Disturbance Area (acres): 4.81 acres

Surface Waters Receiving Stormwater Discharges: 1. Bow Creek (HQ-CWF, MF)

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

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

Project Description: This project involves the construction of 15,317 LF of gravity sewer, manholes and all construction activities associated with the construction and all required improvements for a complete job within an existing residential development.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northeast Regional Office

Applicant: **Heisler's Egg Farm, Inc.**

Applicant Address: 757 Valley Road, Tamaqua, PA 18252

Application Number: **PAD540012**

Application Type: Renewal

Municipality/County: Walker Township, **Schuylkill County**

Project Site Name: Heisler's Egg Farm (Renewal)

Total Earth Disturbance Area (acres): 11.5 acres

Surface Waters Receiving Stormwater Discharges: Beaver Creek (HQ-CWF, MF) and UNT to Beaver Creek (HQ-CWF, MF)

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

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

Project Description: Renewal for expansion of a poultry farm including the construction of two poultry barns, processing building, related access drives and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling 717-787-8821.

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Keith Sensenig Sensenig Farm Halifax CAFO 2146 Powells Valley Road Halifax, PA 17257	Dauphin County	4	441.02	Poultry Layer	NA	Renewal
James Keating 1620 Beans Cove Road Clearville, PA 15535	Bedford County	151.9	3.79	Swine and Beef	HQ	Renewal
Ivan Newswanger 217 Ivy Lane Woodbury, PA 16695	Bedford County	0	40.6	Duck	HQ	Renewal
Weiler Farms LLC—Weiler Farm 1 350 East Mill Avenue Myerstown, PA 17067	Lebanon County	126.7	605.75	Swine	NA	Renewal
Weiler Farms LLC—Weiler Farm 3 239 Ridge Road Jonestown, PA 17038	Lebanon County	139.6	999.49	Swine	HQ	Renewal
Samuel Erdley 560 Goodman Road Lewisburg, PA 17837	Union County	0	601.78	Swine	NA	New
Jay Deiter 2040 River Road Bainbridge, PA 17502	Lancaster County	201.1	552.8	Swine	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30-days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (DEP) the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, DEP will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

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. 2124513, Construction, Public Water Supply.

Applicant **Doubling Gap Center**

Address 1550 Doubling Gap Road
Newville, PA 17241

Municipality Lower Mifflin Township

County **Cumberland County**

Responsible Official Ryan Long
1550 Doubling Gap Road
Newville, PA 17241

Consulting Engineer RHS Engineering, Inc.
2909 Conococheague Lane
Greencastle, PA 17225

Application Received July 3, 2024

Description Construction application for the
addition of caustic soda (sodium
hydroxide).

*Southeast Region: Safe Drinking Water Program, 2 East
Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Kimberleigh Rivers, Clerical Assistant 2, 484-
250-5887.*

Application No. 4624509, Construction, Public Water
Supply.

Applicant **Ambler Borough Water
Department**

Address 131 Rosemary Avenue
Ambler, PA 19002-4737

Municipality Upper Dublin Township

County **Montgomery County**

Responsible Official Steven Smallberger
131 Rosemary Avenue
Ambler, PA 19002-4737

Consulting Engineer Gilmore & Associates, Inc.
65 East Butler Avenue
Suite 100
New Britain, PA 18901

Application Received June 5, 2024

Description Installation of greensand
filtration system for manganese
an ION exchange system for
PFAS treatment.

WATER ALLOCATIONS

Application(s) Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relat- ing to the Acquisition of Rights to Divert Waters of the Commonwealth.

*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.*

WA-09-1001A, Water Allocations. **Warwick Township
Water & Sewer Authority**, 1733 Township Greene, P.O.
Box 315, Jamison, PA 18929, Warwick Township, **Bucks
County**. Aqua Pa, Inc. request the right to purchase up
to 1,200,000 gpd, based on a 30-day average from
Warwick Township Water Authority. Application received:
June 28, 2024.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remedi- ate 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 Environ-
mental Remediation Standards Act (Act) require the
Department of Environmental Protection (DEP) to pub-
lish in the *Pennsylvania Bulletin* an acknowledgment
noting receipt of any Notices of Intent (NOI) to Remedi-
ate. An acknowledgment of the receipt of a NOI to Remedi-
ate 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 stan-
dard, the site-specific standard, or who intend to remedi-
ate a site as a special industrial area, must file a NOI to
Remediate with DEP. A NOI to Remediate filed with DEP
provides a brief description of the location of the site, a
list of known or suspected contaminants at the site, the
proposed remediation measures for the site, and a de-
scription of the intended future use of the site. An
individual who demonstrates attainment of one, or a
combination of the cleanup standards, or who receives
approval of a special industrial area remediation identi-
fied under the Act, will be relieved of further liability for
the remediation of the site for any contamination identi-
fied 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 remedi-
ation 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 re-
quest that the following identified individual, as the
remediator of the site, develop and implement a public
involvement plan. Requests to be involved, and com-
ments, 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 & Brown-
fields Program, 208 W. 3rd Street, Suite 101, Williams-
port, PA 17701-6448, 570-327-3636.*

*Contact: Randy Farmerie, P.G., Environmental Program
Manager, 570-327-3716.*

Former Howes Leather Corporation Site—Eastern Parcel, Primary Facility ID # **623654**, 45 Cooper Road, Curwensville, PA 16833, Curwensville Borough, **Clearfield County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823 on behalf of Clearly Ahead Development, 139 W Market Street, Suite 200, Clearfield, PA 16830, submitted a Notice of Intent to Remediate. The NIR concerns remediation of groundwater contaminated with vegetable tannery sludge residuals. The applicant proposes to remediate the site to meet a residential site-specific standard. The Notice of Intent to Remediate was published in *The Progress* on June 7, 2024. Application received: July 6, 2024.

Chesapeake Appalachia, LLC Indian Foot Well Pad Lease Road, Primary Facility ID # **871844**, 2170 Margies Way, New Albany, PA 18833, Monroe Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. The NIR concerns remediation of soil contaminated with produced water. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Review* on June 6, 2024. Application received: June 13, 2023.

Clean Energy Whispering Pines 12-27-23 Production Fluid Release, Primary Facility ID # **863019**, 245 Sullivan Road, Wellsboro, PA 16901, Delmar Township, **Tioga County**. Penn Environmental & Remediation Inc., 13180 Route 6, Mansfield, PA 16901 on behalf of Clean Energy Exploration & Production, LLC, 2620 Egypt Road, Norristown, PA 19403, submitted a Notice of Intent to Remediate. The NIR concerns remediation of soil contaminated by production fluid. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in the *Wellsboro Gazette* on June 26, 2024. Application received: June 27, 2024.

Wawa Food Market & Fuel Station, Primary Facility ID # **869967**, 220 Shikellamy Ave, Sunbury, PA 17801, Upper Augusta Township, **Northumberland County**. Dynamic Earth, LLC, 826 Newtown Yardley Road, Suite 201, Newtown, PA 18940 on behalf of NDA Sunbury, LLC, 601 Gates Road, Suite 1, Vestal, NY 13850, submitted a Notice of Intent to Remediate. The NIR concerns groundwater contaminated with diesel fuel and unleaded gasoline. 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 June 7, 2024. Application received: July 9, 2024.

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

Contact: Eric Supey, Environmental Program Manager.

Padda Property-1670 Church Road, Primary Facility ID # **876435**, 1670 Church Road, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468 on behalf of Padda Property, LLC, 617 Grammes Lane, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Soil was contaminated with metals and gasoline. The Notice of Intent to Remediate was published in the *Morning Call* on June 22, 2024. Application received: July 8, 2024.

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

Contact: Jordan, 814-332-6172.

Vallimont Site Operable Unit 1, Primary Facility ID # **852672**, 9266 Kuhl Road, Erie, PA 16510, Greene Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of American Tinning & Galvanizing Co., P.O. Box 1599, 552 West 12th Street, Erie, PA 16501, submitted a Notice of Intent to Remediate. The Vallimont Site is a residential/agricultural property located at 9266 Kuhl Road in Greene Township, Erie County, PA occupying 29.6 acres. Wheelabrator dust, characterized as a reddish-brown solid waste containing metals was disposed of at the Site by a former site owner, Elmer Vallimont. Mr. Vallimont took the material home from his workplace, American Tinning & Galvanizing, Erie, PA. The disposal occurred at his residence for an unknown period. Disposal of the wheelabrator dust ceased in approximately August 1980. The wheelabrator dust is located on the southwest corner of the property in a 3,600 square foot area (approximately 60' x 60') on a hillside, referred to as Operable Unit 1. The constituents of concern included the following metals: antimony, cadmium, chromium III, chromium VI, cobalt, iron, lead, manganese, nickel, vanadium, and zinc. The Notice of Intent to Remediate was published in the *Erie Times News* on June 30, 2024. Application received: July 2, 2024.

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

Contact: C. David Brown, Professional Geologist Manager, 484-250-5792.

Richmond Street Property—Parcel C, Primary Facility ID # **876619**, 1101 Dyott Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Anna Thornton, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Lizzie Woods, Delaware River Waterfront Corporation, 121 North Columbus Boulevard, Philadelphia, PA 19106, submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs, and PCBs. The future use of the property is for recreational trails. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *Metro Philadelphia* on June 3, 2024. Application received: May 31, 2024.

Beach Street Property—Parcel D, Primary Facility ID # **876623**, 3021 East Cumberland Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Anna Thornton, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Lizzie Woods, Delaware River Waterfront Corporation, 121 North Columbus Boulevard, Philadelphia, PA 19106, submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs, and PCBs. The future use of the property is for recreational trails. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *Metro Philadelphia* on June 3, 2024. Application received: May 31, 2024.

2944 Samuel Drive, Primary Facility ID # **840740**, 2944 Samuel Drive, Bensalem, PA 19020, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Ave, Philadelphia, PA 19142 on behalf of Howard Weiss, 2944 Samuel Drive, Inc., 4250 Wisahickon Ave, Philadelphia, PA 19129, submitted a Notice

of Intent to Remediate. Soil and groundwater have been found to be contaminated with inorganics and PAHs. The future use of the property is nonresidential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on June 14, 2024. Application received: June 20, 2024.

219 Lancaster Avenue, Primary Facility ID # **876582**, 219 Lancaster Avenue, Devon, PA 19333, Easttown Township, **Chester County**. Jeremy Bolyn, Environmental Maintenance Co. Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Joe Marshall, Rockhill Real Estate III, LP, 219 Lancaster Avenue, Devon, PA 19333, submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with benzene, ethylbenzene, cumene, toluene, naphthalene, MTBE, 1,2,4-TMB, and 1,3,5-TMB. The future use of the property is commercial. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Daily Local News* on May 23, 2024. Application received: June 11, 2024.

1771 Tomlinson Road, Primary Facility ID # **876721**, 1771 Tomlinson Road, Philadelphia, PA 19116, City of Philadelphia, **Philadelphia County**. Wes Fitchett, Curren Environmental, 10 Penn Avenue, Cherry Hill, NJ 08002 on behalf of Jeremy Wolfset, Brickman Tomlinson Owner, LLC, 980 Jolly Road, Suite 111, Blue Bell, PA 19422, submitted a Notice of Intent to Remediate. Soil and groundwater have been found to be contaminated with chlorinated solvents. The future use of the property is nonresidential. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in the *Philadelphia Inquirer* on June 20, 2024. Application received: June 28, 2024.

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.

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

Contact: Mohamad Mazid, Chief, Technical Services, RA-EPWM-SERO-PERMITS@pa.gov.

WMGR101SE001 (formerly WMGR101), Cedar Hollow Land Development, Inc., 100 Paradise Street, Phoenixville, PA 19460, Phoenixville Borough, **Chester County**. This permit renewal application is for the Determination of Applicability (DOA) under the conditions defined within General Permit No. WMGR101SE001 (formerly WMGR101) for processing and beneficial use of uncontaminated brick, block, and concrete from sidewalk and highways projects as construction material at the Cedar Hollow Recycling facility, which is located at 100 Paradise Street, in Borough of Phoenixville, Chester County. Application received: June 4, 2024. Deemed administratively complete: June 12, 2024.

Comments or questions concerning the application should be directed to Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at

RA-EPWM-SERO-PERMITS@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

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

Contact: Lisa D. Houser, P.E., Facilities Manager, 570-327-3740.

301315. Montour, LLC, 600 Hamilton Street, Suite 600, Allentown, PA 18101, Derry Township, **Montour County**. Montour Steam Electric Station Basin No. 1 proposes major permit modification for the addition of borrow area, revised grading, modifications to drainage feature and revised post closure use. Application received: June 25, 2024.

Comments or questions concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. 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, P.E., Permits Chief, 717-705-4907.

101471. Clifford Hill Sanitation Services, Inc., 780 Noble Road, Kutztown, PA 19530, **Berks County**. The application submitted is to (1) increase the daily maximum waste intake from 54 tons to 320 tons and (2) to increase the facility operating hours. The requested increased operating hours are 6:00 a.m. to 5:00 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturdays. The Department conducted the Local Municipal Involvement Process meeting (LMIP) on June 4, 2024. The application was deemed administratively complete by the Southcentral Regional Office on June 20, 2024. Application received: June 5, 2024. Deemed administratively complete: June 20, 2024.

Comments or questions concerning the application should be directed to John Oren, Permits 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.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the DEP's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

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

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

Contact: Shailesh Patel, P.E., Environmental Group Manager.

54-00022H: Hydro Extrusion USA LLC, 53 Pottsville Street, Cressona, PA 17929, Cressona Borough, **Schuylkill County**. Application received: February 23, 2024. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a plan approval to Hydro Extrusions USA, LLC (53 Pottsville Street, Cressona, PA 17929-1217) to install a new Homogenizing furnace at their facility located in Cressona Borough, Schuylkill County. The facility currently has a Title V Operating Permit No. 54-00022. Plan approval 54-00022H will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. Plan Approval 54-00022H is for the installation of a new Homogenizing furnace. Total facility emissions shall not exceed the following limits during any consecutive a 12-month rolling period in tons per year: NO_x 99.9, CO 99.9, VOC 49.9, PM₁₀/PM_{2.5} 99.9, and SO₂ 99.9. Hydro Extrusions USA LLC is a major facility for HAPs emissions and is subject to Title V permitting requirements and is located in Cressona Borough, Schuylkill County. The plan approval will include all appropriate monitoring, recordkeeping, and reporting requirements designed to keep the equipment operating within all applicable air quality requirements. Further details on the conditions and the reasons for their inclusion are available upon request. Copies of the applications, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and telephone number of the commentator, identification of the proposed Permit No. 54-00022H and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Mr. Shailesh Patel, Environmental Engineer Manager, New Source Review Section, 2 Public Square, Wilkes-Barre, PA 18711, or 570-826-2511.

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

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

20-00296B: Lipinski Logging & Lumber, Inc., 1026 Industrial Drive, Titusville, PA 16374, City of Titusville, Crawford County. Application received: July 2, 2024.

The Department of Environmental Protection intends to issue a plan approval to Lipinski Logging & Lumber to re-activate a surface coating operation that was previously owned and permitted for Homerwood Hardwood Flooring. This operation includes various stain coaters, an oven, and Isobutyl Acetate solvents at their facility in the City of Titusville Annex, Crawford County. Lipinski is a Natural Minor facility and a manufacturer of wood previously under State Only Operating Permit # 20-00296. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. Lipinski seeks approval to re-activate the following sources:

- One (1) existing Dubois Machine Stain Coater rated at 30 linear ft/min that applies coatings to wood flooring substrates (Source 101/SC-01).
- One (1) existing Dubois Machine Stain Wiping Brushes rated at 30 linear ft/min that applies coatings to wood flooring substrates (Source 102/SW-01).
- One (1) existing natural gas fired Dubois Machine HV-48 dryer oven with an operating temperature of 250–300 degrees Fahrenheit, rated at 1950 SCFM air flow, and 1.2 MMBtu/hr (Source 103/OVN-01).
- One (1) existing Dubois Machine Reverse Roll Coater rated at 30 linear ft/min that applies coatings to wood flooring substrates (Source 104/RRC-01).

- Six (6) existing Dubois Machine Roll Coaters rated at 30 linear ft/min that applies coatings to wood flooring substrates (Source 106–108/RC-01–RC-06).

Lipinski processes wood flooring in their surface coating operation which involves various coatings and Isobutyl Acetate solvents that produce VOC emissions. There is currently no control device utilized to capture emissions from this process. The fumes from the process are captured in vent hoods and released to the outside atmosphere. VOC from all surface coating operations will be limited to 29.75 tons per year which was found after a BAT and economic analysis of various control devices. To allow the permittee to operate without control devices installed and keep below the limit where control devices become economically feasible the permittee must meet this VOC limit.

A review of the two latest emission reports they show that the facility emissions were: 8.5 tpy in 2022 and 14.5 tpy in 2021. This indicates that they have been meeting the previous limit of 35.25 and would have room for the new limit of 29.75. This limit will be based on a consecutive 12 month rolling period. The permittee must maintain monthly VOC emission records to show compliance with this limitation.

Based on BAT and regulatory requirements the emission limits of all of the sources will be as follows:

- 0.04 gr/dry ft³ of PM (filterable and condensable)
- 29.75 tons/yr of VOC based on a consecutive 12 month rolling period for all surface coating operations

Potential emissions from the subject source(s) will be as follows:

	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}	VOC	HAPs	107-98-2	108-65-6	34590-94-8	1330-20-7	108-88-3
101	-	-	-	-	-	22.17	2.122	0.93	0.98	0.21	0.002	-
102	-	-	-	-	-	22.17	2.122	0.93	0.98	0.21	0.002	-
103	0.53	0.44	0.003	0.04	0.04	0.03	-	-	-	-	-	-
104	-	-	-	-	-	0.55	-	-	-	-	-	-
105/106	-	-	-	-	-	1.91	0.04	-	-	-	-	0.04
107/108	-	-	-	-	-	1.91	-	-	-	-	-	-

Estimated emissions are based on material balance of solvents and coatings and operating hours of 8,760 hrs/yr. All figures are in tpy (tons per year). Actual operating hours are 2,080 hrs/yr. 107-98-2 is propylene glycol methyl ether, 108-65-6 is propanediol monomethyl ether acetate, 34590-94-8 is dipropylene glycol monomethyl ether, 1330-20-7 is xylene, and 108-88-3 is toluene.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (20-00296B: Lipinski Logging & Lumber) and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania*

Bulletin or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, 230 Chestnut St., Meadville, PA 16335, Phone (814) 332-6819.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Maryjoy Ulatowski, Chief, Source Registration, 215-685-9476.

IP22-000612: Naval Surface Warfare Center, Philadelphia Division, 901 Admiral Peary Way, Philadelphia, PA 19112, City of Philadelphia, **Philadelphia County**. Application received: October 31, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue a Plan Approval for the installation and operation of 12 test cells in the City of Philadelphia, Philadelphia County. Each test cell will burn ultra-low sulfur diesel (ULSD), No. 2 fuel oil, JP-5, and/or F-76. The 12 test cells include the following: • Four (4) 3.2-Megawatt (MW)/4,291 Horsepower (HP)/28.04 Million British Thermal Units per hour (MMBTu/hr) combustion engines, each with a SCR Control Device. • Two (2) 36.6-MW/49,122 HP/332.6 MMBTu/hr combustion turbines. • One (1) 2.0-Megawatt (MW)/2,680 HP/19,306 MMBTu/hr combustion engine with a SCR Control Device. • One (1) 0.32-Megawatt (MW)/425 HP/3,066 MMBTu/hr combustion engine with a SCR Control Device. • One (1) 4.3-Megawatt (MW)/5,766 HP/38,376 MMBTu/hr combustion engine with a SCR Control Device. • One (1) 1.25-Megawatt (MW)/1,676 HP/12.24 MMBTu/hr combustion engine with a SCR Control Device. • Two (2) 6.5-Megawatt (MW)/8,690 HP/51,785 MMBTu/hr combustion engines, each with a SCR Control Device. The potential emission increases from the installation and operation of the 12 test cells are: 48.43 tons per year (tpy) of Carbon Monoxide, 7.45 tpy of Particulate Matter, and 12.09 tpy of Volatile Organic Compounds. NO_x and SO_x emissions from the facility are limited to 240.4 tpy and 54.3 tpy, respectively, per a Plantwide Applicability Permit No. 14347 dated 7/10/2019. The Plan Approval will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Persons wishing to file protest, comments, or request a public hearing on the previously listed Plan Approval must submit the protest, comments, or public hearing request 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 Plan Approval or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Managements Services, 7801 Essington Ave., Philadelphia, PA 19153 or e-mailed to DPHAMS_Service_Requests@phila.gov with "NWSCPD IP22-000612" in the subject line. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@Phila.gov and/or 215-685-7572. Please include: (1) the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested.

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

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

28-05002U: U.S. DOD/Letterkenny Army Depot, 1 Overcash Ave., Chambersburg, PA 17201, Letterkenny Township, **Franklin County**. Application received: October 12, 2023. For modification of the AP Rocket Motor Destruction (ARMD) facility to accommodate simultaneous firing of multiple rocket motors at the Letterkenny Army Depot. The plan approval authorizes the installation and operation of a removable firing fixture designed to simultaneously fire three Family 2 rocket motors. There is no expected increase in the potential emissions from the ARMD as the facility is restricted in the number of rocket motors it may fire due to a 35 tpy limit on NO_x emissions from the ARMD. The facility is a Title V facility. The project does not trigger PSD or NSR provisions. Letterkenny will adhere to the existing PAL permit VOC limit and to the existing CAM plan for the ARMD set forth in their current operating permit. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 64 (Compliance Assurance Monitoring), 25 Pa. Code § 127.218 (PALs), 25 Pa. Code § 123.41 (Visible Emissions), 25 Pa. Code § 123.21 (Sulfur Compound Emissions), and 25 Pa. Code § 123.13 (Particulate Matter Emissions). Based on these findings, the Department proposes to issue a plan approval for the construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief, 412-442-4336.

63-00642: Equitrans, LP, 4111 Finleyville-Elrama Road, Finleyville, PA 15332, Union Township, **Washington County**. Application received: May 25, 2023.

63-00642: Equitrans, LP, 2200 Energy Drive, Canonsburg, PA 15317. Approval of a Title V Operating Permit Modification and State Implementation Plan (SIP) revision for Equitrans, LP located in Union Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a modified natural minor State-Only Operating Permit to Equitrans, LP to remove a Reasonably Available Control Technology (RACT I) requirement via a SIP revision. No other revisions to the operating permit are proposed with this modification.

Historically, the facility was permitted as a Title V facility since the potential-to-emit of this facility exceeded the major source emission threshold of 100 tons per year (TPY) of NO_x. On July 10, 1995, a RACT I operating hour restriction of 5,000 hours per year were imposed on the three (3) compressor engines located at this facility. On May 2, 2012, plan approval 63-00642A was authorized for

the construction, installation, and temporary operation of CleanBurn Systems on the three (3) compressor engines. The issuance of this plan approval resulted in a reduction of NO_x emissions from the engines making the facility a minor source for all criteria pollutants and remained a minor source of HAPs and VOCs. This modification will remove the 5,000-operating hour restriction from the SIP, as the facility has been a natural minor facility since the installation of the CleanBurn system when potential-to-emit is calculated at 8,760 hours of operation per year.

The following air contamination sources and air cleaning devices comprise this facility: three (3) 1,350-HP Cooper Bessemer GMV-10 IC compressor engines, one (1) 310-HP Caterpillar G3406TA emergency generator, five (5) heaters/boilers totaling 3.1 MMBtu/hr, one (1) 2,000-gallon produced fluids storage tank, truck loadout, pneumatic devices, venting/blowdowns, fugitive emissions, crankcase vents, pigging operations, and miscellaneous storage tanks including one (1) 2,000-gallon used oil tank, one (1) 2,000-gallon bulk oil tank, and one (1) 6,000-gallon MEG glycol storage tank. The facility has potential emissions of 82.5 TPY NO_x; 79.5 TPY CO; 7.6 TPY PM₁₀; 7.6 TPY PM_{2.5}; < 1.0 TPY SO_x; 35.9 TPY VOC; 10.5 TPY total HAP; 6.6 TPY single HAP; and 22,000 TPY CO_{2e}.

The proposed SIP revision does not adopt any new regulations and is limited in scope to the removal of the 5,000-hour operating hour restriction. The proposal will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA.

Public hearing. A public hearing will be held on August 21, 2024, from 10:00—11:00 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be August 14, 2024. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from July 20, 2024 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 operating permit including the permit number and a

concise statement regarding the relevancy of the information or objections to the operating permit modification.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> and by contacting Thomas Joseph, Environmental Engineering Manager, at 412-442-4336 or at tjoseph@pa.gov.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Camarda at 412-442-4203 or the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

OPERATING PERMITS

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

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.

46-00037, Global Advanced Metals USA, 1223 County Line Rd, Boyertown, PA 19512-1608, Douglass Township, **Montgomery County**. Application received: December 19, 2023. This action is for the renewal of a Title V Operating Permit for their tantalum metal manufacturing facility. As a result of potential emissions of NO_x, VOCs and HAP, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility has a Plantwide Applicability Limit (PAL) of 241.7 tons of VOC per 12-month rolling sum and the PAL expires on August 18, 2029. The proposed Title V Operating Permit Renewal contains all up-to-date applicable requirements including monitoring, recordkeeping and reporting. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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

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

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

16-00035, Commodore Homes of PA, 20898 Paint Blvd, Shippensburg, PA 16254-4712, Paint Township, **Clarion County**. Application received: September 26, 2023. The Department intends to issue the renewal State Only Natural Minor Operating Permit for the mobile and modular home manufacturing facility. The facility's primary emission sources include facility heaters, the adhesive and surface coating application processes, woodworking processes with particulate emissions controlled by cyclones and baghouses, drywall finishing, a parts

washer, an emergency power generator, and an emergency water pump for fire suppression. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 2.42 TPY (tons per year) NO_x, 1.51 TPY CO, 5.59 TPY VOC, 1.58 TPY total HAP, 2.72 TPY PM₁₀ and PM_{2.5}, and 0.07 TPY SO_x. The facility's plan approval restricts hours of production to 2,500 hours per year on a 12-month rolling basis, as well as a firm VOC restriction of 49 tons per year. The adhesive and surface coating processes are potentially subject to 25 Pa. Code §§ 129.52 and 129.52c for control of VOC emissions from surface coating processes. The parts washer is subject to 25 Pa. Code § 129.63 for degreasing operations. The emergency generator and water pump are both subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Existing Emergency CI RICE and Existing Emergency SI RICE at an Area Source of HAP. The renewal permit will contain emission restrictions, record-keeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

10-00374, Three Rivers Aggregates/Blacks Run Sand and Gravel Processing Plant, 321 Currie Road, Slippery Rock, PA 16057, Worth Township, **Butler County**. Application received: November 10, 2023. The Department intends to issue the renewal of the State Only Operating Permit for Three Rivers Aggregates Blacks Run Sand and Gravel Processing Plant (TRA) for the nonmetallic mineral processing. The facility is a Natural Minor. Permitted air contamination sources at the plant are its crushing operations, screening operations, conveying systems, stockpiles, roadways, & truck loading/unloading activities. The potential emissions from the facility are less than the 11.4 tpy PM. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Maryjoy Ulatowski, Chief, Source Registration, 215-685-9476.

OP22-000055, SEPTA-Southern Bus Facility, 20th and Johnson St, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Application received: November 17, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal Natural Minor Operating Permit (NMOP) for an establishment primarily engaged in operation of local and suburban transit. The facility's stationary air pollution sources include the following: • four (4) 34.12 Million British Thermal Units per hour (MMBtu/hr) boilers firing natural gas and No. 2 Oil. • one (1) 0.72 MMBtu/hr firing Natural Gas. • one (1) 2.228 MMBtu/hr burner for paint booth firing Natural Gas. • one (1) Gasoline Dispensing Facility with gasoline throughput less than 10,000 gallons per month. • one (1) Spray Paint Booth; and • three (3) 40-gallon Solvent Parts Washers/Degreasers. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3, and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or DPHAMS_Service_Requests@phila.gov. Persons wishing to file a protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with

AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 7801 Essington Ave., Philadelphia, PA 19153 or e-mailed to DPHAMS_Service_Requests@phila.gov with "SEPTA-Southern Bus Facility, OP22-000055" in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@phila.gov and/or 215-685-7572. Please include: (1) the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested."

OP22-000036, Behavioral Wellness Center, 801 W Girard Avenue, Philadelphia, PA 19122-4212, City of Philadelphia, **Philadelphia County**. Application received: August 18, 2024. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal Natural Minor Operating Permit (NMOP) for the operation of offices of clinics and health practitioners. The facility air emission sources are:

- Two (2) 0.659 Million British Thermal Unit (MMBtu/hr) boilers, each burning natural gas,
- One (1) 1.0 MMBtu/hr boiler burning natural gas,
- One (1) 0.669 MMBtu/hr. hot water heater burning natural gas, and
- Three (3) emergency generators less than 500 horsepower (HP) burning diesel fuel.

The changes made as part of the renewal include the following:

- In Section A, update the facility contact, permit contact and responsible official for the facility.
- In Table A-1 Facility Inventory list removed following inventories from the facility operating permit:
 - U01: Cleaver Brooks, Boiler # 1, Tower Bldg. (150 HP, No. 2 fuel Oil)
 - U02: Cleaver Brooks, Boiler # 2, Tower Bldg. (150 HP, No. 2 fuel Oil)
 - U03: Weil McLain, Boiler, ADC Bldg. (32.4 HP, Natural Gas)
 - U07: Fulton, Boiler # 1 DMC Bldg. (50 HP, Natural Gas)
 - U08: Fulton, Boiler # 2, DMC Bldg. (50 HP, Natural Gas)
 - U10: Weil McLain, Boiler # 2, GMC Bldg. (30 HP, Natural Gas)
 - U11: Patterson Kelley, Hot water heater, GMC Bldg. (38 HP, Natural Gas)
- In Section A, updated the process flow diagram to the reported operating inventories.
- In Section B, updated the General Conditions to the current AMS versions.
- In Section C, updated the Facility Wide Conditions to the current AMS versions.

- In Section D, updated the Source Specific Requirements and removed conditions that don't apply to currently operating inventories.

Additionally, the following changes are made in the draft.

- NO_x Plan of Approval Exemption limits have been added and reduced to actual Potential to Emit (PTE) for each emergency generator in Condition D.1.(b)(1)(i)–(iii).

- Particulate matter (PM) emissions regulations for emergency generators updated to filterable PM (FPM) regulations in Condition D.1.(b)(2).

- Updated the emergency generator operation Conditions in D.2.(b)(3)(i)–(ii).

- Updated the AMR XV requirements in Condition D.2.(b)(6)(ii) to update links to check AQI forecast.

- Updated the monitoring requirements for emergency generators in Section D.4.(b).

- Updated the recordkeeping requirements in Section D.5(a) and reporting requirements in Section D.6(a).

- In Section E, updated the non-applicability requirements for emergency generators.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or DPHAMS_Service_Requests@phila.gov. Persons wishing to file a protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 7801 Essington Ave., Philadelphia, PA 19153-3240 or e-mailed to DPHAMS_Service_Requests@phila.gov with “Behavioral Wellness Center NMOP OP22-000036” in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@Phila.Gov and/or 215-685-7572. Please include: (1) the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested.

OP20-000010, Jules E. Mastbaum Area Vocational Technical High School, 3116 Frankford Avenue, Philadelphia, PA 19134-3827, City of Philadelphia, **Philadelphia County**. Application received: February 4, 2020. The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor Operating Permit (NMOP) for the operation of an academic school building. The facility's air emission sources include the following: • Four (4) 5.773 Million British Thermal Unit per hour (MMBtu/hr) boilers, each burning natural gas or No. 2 fuel at 39.8 gallons per hour (GPH), • Two (2) 268 Horsepower (HP) emergency generators and one (1) 145 HP, each burning diesel fuel, and • Three (3) 0.179 MMBtu/hr. insignificant hot water heaters, each burning natural gas. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air

Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or DPHAMS_Service_Requests@phila.gov. Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 7801 Essington Ave., Philadelphia, PA 19153-3240 or e-mailed to DPHAMS_Service_Requests@phila.gov with “Jules E. Mastbaum Area Vocational Technical High School NMOP OP20-000010” in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@phila.gov and/or 215-685-7572. Please include: (1) the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested.

OP21-000052, Widener Memorial School, 1450 West Olney Avenue, Philadelphia, PA 19141-2316, City of Philadelphia, **Philadelphia County**. Application received: December 15, 2021. The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor Operating Permit (NMOP) for the operation of a public K–12 school. The facility's air emission sources include: one (1) 2.0 Million British Thermal Units per hour (MMBtu/hr) boiler firing both natural gas and No. 2 oil; three (3) 6.5 MMBtu/hr boilers firing both natural gas and No. 2 oil; one (1) 1.7 03 MMBtu/hr boiler rated at firing natural gas, and one (1) 35 kilowatts emergency generator firing diesel fuel. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection by contacting the Source Registration Unit at 215-685-7572 or DPHAMS_Service_Requests@phila.gov. Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or hold a public hearing. Protests, comments, and requests for a public hearing must be mailed to Source Registration, Air Management Services, 7801 Essington Ave., Philadelphia, PA 19153 or e-mailed to DPHAMS_Service_Requests@phila.gov with “Widener Memorial School, NMOP OP21-000052” in the subject line. AMS suggests submitting any mailed correspondence also by e-mail. Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@Phila.Gov and/or 215-685-7572. Please include: (1) the name and contact information of the person requesting an accommodation and/or interpretation; (2) the name of the program, service, activity, or location of the request; and (3) a description of the modification and/or interpretation being requested.

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

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

01-05006, Orrtanna Power, LLC, 1745 Knoxlyn Orrtanna Road, Orrtanna, PA 17353, Highland Township, **Adams County**. Application received: May 8, 2024. For the operation of a peaking station facility. This is for renewal of the existing State-Only Permit. Facility-wide actual emissions in 2023 were estimated to be 0.02 tpy PM₁₀, 3.97 tpy NO_x, 0.02 tpy CO, 0.01 tpy HAPs, and less than one ton per year of VOCs and SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items the conditions include provisions derived from 40 CFR Part 63 Subpart ZZZZ National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 25 Pa. Code §§ 123.13 and 123.21.

67-03038, YOE Construction, 775 Lombard Road, Red Lion, PA 17356, Windsor Township, **York County**. Application received: January 10, 2024. To issue a State Only Operating Permit for the manufacturing facility. This is for renewal of the existing state-only permit. Potential air emissions from the facility are estimated at 10.7 tpy PM₁₀, 43.8 tpy VOC, and 8.76 tpy 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 § 129.52d Control of VOC emissions from miscellaneous metal part surface coating processes and 40 CFR 63.11514 Subpart XXXXXX National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

67-03013, Georgia-Pacific Corrugated LLC, 25 Walnut Street, Mt. Wolf, PA 17347, Mount Wolf Borough, **York County**. Application received: May 31, 2024. To issue a State Only Operating Permit renewal for the Mt. Wolf Container facility. Potential emissions from the facility are estimated at 9.46 tpy NO_x, 27.52 tpy CO, 18.89 tpy PM₁₀, 0.40 tpy SO_x, 15.52 tpy VOC, and 5.09 tpy 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 applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52b (Control of VOC emissions from paper, film and foil surface coating processes), 25 Pa. Code § 129.77 (Control of emissions from the use or application of adhesives, sealants, primers and solvents), 40 CFR 60 Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) and 40 CFR 63 Subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines).

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

38-05023, Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110-9422, South Lebanon Township, **Lebanon County**. Application received: April 29, 2024. To issue a State-Only Operating Permit for the

operation of their Prescott Asphalt Plant. The facility's actual emissions for 2022 were reported to be 11.63 tons of CO, 2.65 tons of NO_x, 5.79 tons of PM₁₀, 4.09 tons of SO_x and 2.87 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

38-05031, Wabash National LP, 411 Jonestown Road, P.O. Box 779, Jonestown, PA 17038, Union Township, **Lebanon County**. Application received: August 29, 2023. To issue a State Only Operating Permit renewal for the operation of a truck and truck parts coating facility. The subject facility has potential emissions of 49.98 tpy of VOCs, less than 15 tpy HAPs, and less than 10 tpy single HAP (i.e., naphthalene). The operation continues to be subject to NESHAP Subpart HHHHHH and 25 Pa. Code § 129.52d. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

46-00101, Sunoco Metal Packaging, LLC, 431 Privet Rd, Horsham, PA 19044, Horsham Township, **Montgomery County**. Application received: April 19, 2024. This action is for the renewal of a non-Title V, Synthetic Minor Operating Permit for the manufacture of metal aerosol cans, including the can bottoms and tops. Permitted sources consist of six (6) production lines, cleaning operations, and video jet lines. The primary pollutants of concern are evaporative losses from the coatings used in the six (6) process lines consisting of volatile organic compounds (VOC) and hazardous air pollutants (HAP). No changes have taken place at the facility since the operating permit was last issued. The facility has elected to take appropriate operating and emission restrictions to maintain a synthetic minor operating status. VOC emissions continue to be restricted to 24.9 tons per year, total combined HAP emissions continue to be restricted to below 25 tons per year, and individual HAP emissions continue to be restricted to below 10 tons per year. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

15-00078, Janssen Biotech Inc., 200 Great Valley Pkwy, Malvern, PA 19608, East Whiteland Township, **Chester County**. Application received: April 26, 2024. This action is for the renewal of a Non-Title V Facility, State-Only, Synthetic Minor Permit for the operation of a biopharmaceutical research and development and manufacturing facility. The sources of emissions include boilers and generators. The facility-wide potential emissions are nitrogen oxides (NO_x): 35.08 tons per year (tpy), carbon monoxide (CO): 36.08 tpy, particulate matter (PM): 3.4 tpy, volatile organic compounds VOC: 4.9 tpy and sulfur oxides (SO_x): 0.18 tpy. The facility voluntarily took emission limits for NO_x (24.9 tpy), SO_x (17.0 tpy) and PM (3.97 tpy). Monitoring, fuel restriction limits, source emis-

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

PLAN APPROVALS

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

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

Contact: Shailesh R Patel, P.E., New Source Review Chief, 570-826-2357.

40-00104A, Brdaric Excavating Inc., 500 Main Street, Swoyersville, PA 18704, Swoyersville Borough, and Kingston Township, **Luzerne County** Application received: February 15, 2024. In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Brdaric Excavating, Inc. (500 Main Street, Swoyersville, PA 18704) for their facility in Swoyersville Borough and Kingston Township, Luzerne County. This Plan Approval No. 40-00104A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date. Plan Approval No. 40-00104A is for the replacement of one (1) existing jaw crusher (ID101) with a similar jaw crusher with a larger 375 BHP engine and the replacement of one (1) existing screen (ID104) with a similar screen with a larger 130 BHP engine with water sprays to control particulate matter (PM) emissions. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter (PM), and NSPS Subpart OOOO. Best Available Technology (BAT) for these sources shall be the use of water sprays and Selective Catalytic Reduction. Oxides of Nitrogen (NO_x) and PM emissions from the facility will be limited to less than 100 TPY limit, 12-month rolling sum. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Permit No. 40-00104A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit. A public hearing may be held, if the

Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Shailesh R Patel, P.E., Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2357 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

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

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

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

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

Coal Applications

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 30161301. NPDES No. PA0236519. Marshall County Coal Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, Aleppo Township, **Greene County.** To revise the permit and related NPDES permit for installation of the 7 South Bleeder Powerline, affecting 48.84 proposed surface acres. Application received: May 29, 2024. Accepted: July 3, 2024.

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

Contact: RA-EPCAMBRIADMO@pa.gov.

Mining Permit No. 56020105. NPDES No. PA0249262. Fieg Brothers, P.O. Box 38, Berlin, PA 15530, Brothersvalley Township, **Somerset County.** Permit renewal for the continued operation and restoration of a bituminous surface and auger mine affecting 96.9 acres. Receiving streams: unnamed tributaries of Millers Run and Sandy Hollow, classified for the following use: CWF. Application received: July 2, 2024.

Mining Permit No. 29240101. NPDES No. PA0279927. J & J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, Wells Township, **Fulton County.** Commencement, operation and restoration of a bituminous surface and sandstone mine affecting 96.0 acres. Receiving streams: Great Trough Creek classified for the following use: TSF. Application received: July 3, 2024.

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

Contact: Casie Stanton, Clerical Assistant 2.

Mining Permit No. 17030113. Rob Holland Enterprises, 52 Holland Lane, Curwensville, PA 16833, Lawrence Township, **Clearfield County.** Permit renewal for application for a bituminous surface coal mine affecting 47.9 acres. The renewal is for reclamation only. Receiving stream(s): UNT to Montgomery Run classified for the following use(s): CWF, MF. Application received: July 1, 2024. Accepted: July 2, 2024.

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 17860144. NPDES No. PA0115711. Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866, Decatur Township, **Clearfield County.** Application for a major revision to permit to add coal refuse disposal for an existing surface coal mine affecting 295.2 acres. The source of the coal refuse is Junior Coal Contracting, Inc., CMAP No. 17051601, Leslie Tipple located in Decatur Township, Clearfield County. Receiving stream(s): Big Run and Shimel Run to Moshannon Creek classified for the following use(s): CWF. Application received: June 26, 2024. Accepted: July 3, 2024.

Noncoal Applications

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

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

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-343-3324.

Mining Permit No. 33242801. M&M Trucking & Metals, LLC, 59 Hero Lane, Punxsutawney, PA 15767, Gaskill Township, **Jefferson County**. New permit application for a small noncoal (industrial minerals) operation, affecting 5.0 acres. Receiving stream(s): Unnamed tributaries to Ugly Run, classified for the following use(s): CWF. Application received: July 1, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 09890301. NPDES No. PA0594466. Naceville Materials, JV, 350 South Main Street, Suite 207, Doylestown, PA 18901-4871, West Rockhill Township, **Bucks County**. Renewal of an NPDES Permit on a quarry operation affecting 107.68 acres. Receiving stream: UNT—Ridge Valley Creek, classified for the following use: HQ-TSF. Application received: June 25, 2024.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

Coal NPDES Draft Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3.

NPDES No. PA0235814. Mining Permit No. 5671301. RoxCOAL, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Stonycreek Township, **Somerset County**. Application received: November 7, 2023. Accepted: December 6, 2023.

To renew the NPDES permit and mining activity permit in Stonycreek Township, **Somerset County**, affecting 116.4 surface acres and 2,545.4 underground acres. Receiving stream(s): Glades Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL.

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

The proposed effluent limits for Outfall 001 discharging to Glades Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.83	3.65	4.57
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 002 discharging to Glades Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	1.31	2.62	2.62
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The proposed effluent limits for Outfall 003 discharging to Glades Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

Noncoal NPDES Draft Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0224499. Mining Permit No. 7774SM3. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Maxatawny Township, **Berks County.** Application received: September 8, 2020. Renew NPDES permit affecting 177.5 acres. Receiving stream: Sacony Creek, classified for the following uses: TSF, MF.

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

The following treated wastewater outfalls discharge to Sacony Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Facility Outfall	11.52 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)				11.52
PCE (Tetrachloroethylene) (mg/L)		0.005	0.005	0.005

ⁱThis Parameter is applicable at all times.

NPDES Permit No. PA0595764. Mining Permit No. 5278SM2. Hanson Aggregates Pennsylvania, LLC, 7660 Imperial Way, Allentown, PA 18195, Lake Township, Wayne County. Application received: December 19, 2022.

Renewal an NPDES permit affecting 107.8 acres. Receiving stream: UNT to Middle Creek, classified for the following uses: HQ-CWF, MF.

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

The following treated wastewater outfalls discharge to UNT to Middle Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	existing	SWO	Intermittent

The proposed effluent limits are as follows:

The following limits apply to dry weather discharges from the following stormwater outfalls:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/L)			Monitor And Report	

The following alternate discharge limitations apply to discharges from the following stormwater outfalls resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ⁱ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (ml/L)				0.5

ⁱThis Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA 33 (U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any com-

ments, 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)).

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: RA-EPREGIONALPERMIT@pa.gov.

CORRECTION—previously published on June 22, 2024

EA2383223-003. Haverford Township, 1014 Darby Ave, Havertown, PA 19083, **Delaware County**. U.S. Army Corps of Engineers District. Application received: December 5, 2023.

To construct and maintain a stream restoration project within a 1,021-foot section of a UNT to Darby Creek (CWF), referred to as North Brook stream, for the purpose of stream bank stabilization, floodplain reconnection, and enhancing the existing riparian vegetation. The proposed work includes stream bank stabilization, floodplain grading, the installation of in-stream habitat enhancement structures, and the removal of gravel/sediment bars. The project is located within the Haverford Reserve Meadow situated west of Parkview Ave and east of the PA Turnpike-SR 476 (Lansdowne, PA Quadrangle) in Township of Haverford, Delaware County. Latitude: 39.996029°, Longitude: -75.343323°.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E3306224-001. Eldred Township, 3441 Route 36, Brookville, PA 15825, Eldred Township, **Jefferson County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 20, 2024.

To remove the existing steel I-beam bridge and to construct and maintain a steel I-beam bridge having a clear span of 36.7 feet and an under-clearance of 9.2 feet—on a 15 41.204829 stream skew providing a waterway opening of approximately 316 square feet across Mill Creek (HQ-CWF) and resulting in 0.002 acre of permanent wetland impact on T-353 approximately 0.20 mile Northwest of the intersection of T353 and Ferguson Rd. Latitude: 41.204829°, Longitude: -79.128861°.

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

Contact: 717-705-4802.

E6703224-001. Aquatic Resource Restoration Company, 350 Hill Street, York, PA 17403, Paradise and Jackson Townships, **York County**. U.S. Army Corps of Engineers Baltimore District. Application received: January 16, 2024.

To 1.) construct and maintain 21 debris jams, 19 beaver dam analogs, 1 tree mat, and 8 log boulder steps, permanently impacting 240.0-linear feet (0.14 acre) of stream channel in Paradise Creek (TSF, MF) and 2.) to construct and maintain 21 step pools and rock vanes,

permanently impacting 1,180.58 linear feet (0.29 acre) of stream channel in a UNT to Paradise Creek (TSF, MF), all for the purpose of conducting a stream restoration/stabilization project. There will be 0.01 acre of temporary wetland impacts as a result of gaining access to the site. The temporary wetland impacts are de minimis and replacement is not required. The project is located at 8274 Orchard Road, Thomasville, PA 17364 in Jackson and Paradise Townships, York County (Latitude: 39.9039, Longitude (-76.9178)).

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

Contact: ra-ep-ww-sero-105@pa.gov.

E4601224-015. Horsham Township, 1025 Horsham Road, Horsham, PA 19044, Horsham Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: June 7, 2024.

Horsham Township is proposing to perform the following water obstruction and encroachment activities associated with the project near the intersection of Horsham and Dresher Roads: Activities associated with the restoration and bank stabilization within the floodway and waterway of Pennypack Creek: 1) To excavate and remove debris within the floodway and channel of Pennypack Creek resulting in 18,941 sq ft, 0.43 acre of temporary watercourse and floodway impacts. 2) To demolish/remove bridge crossing channel of Pennypack Creek resulting in 242 sq ft, 0.01 acre of permanent watercourse impacts. This project is located at the intersection of Horsham and Dresher Roads, Horsham, PA 19044, Horsham Township, Montgomery County, (USGS PA Ambler Quadrangle). Latitude: 40.179595°, Longitude: -75.132671°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205224-005. Zayo Group LLC, 1821 30th Street, Boulder, CO 80301, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 6, 2024.

The applicant is proposing to: • Construct and maintain a 4" nominal conduit which will carry fiber optic cables, and a spare 4" nominal conduit, that will be attached to the West End Bridge over the Ohio River (WWF) using an existing pathway along the bridge's girders.

For the purpose of expanding network connectivity. The project will cumulatively and permanently impact 1 LF of watercourse through an aerial crossing. The project will cumulatively and permanently impact 1,075 square feet (0.02 acre) of floodway of the Ohio River.

The project site is located along the West End Bridge (U.S. Highway 19) in the City of Pittsburgh (Pittsburgh West, PA USGS topographic quadrangle; N: 40°, 26', 45"; W: 80°, 1', 38.2"; Sub-basin 20F and 20G; USACE Pittsburgh District), in the City of Pittsburgh, Allegheny County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-772-5321.

Contact: Niamh Hays, Water Program Specialist, 717-772-5959.

EA3615224-003. Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601, Manheim Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: March 26, 2024.

The applicant proposes to restore three unnamed tributaries to the Conestoga River (WWF-MF) by removing approximately 2,100 cubic yards of legacy sediment and other historic fills from the floodplain. The length of channel being temporarily impacted during construction is approximately 1,900 linear feet, and the total area being temporarily impacted during construction and within the limits of disturbance is approximately 4.5 acres. The project proposes to restore approximately 1.5 acres of integrated wetland, stream, and floodplain areas. Additional restoration activities proposed include: to place rock stream and valley grade control structures; to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct temporary stream crossings, rock construction entrances, and other erosion controls during restoration activities. The restoration project is located southwest of Lincoln US-30, between Homeland Drive and New Holland Pike

in Manheim Township, PA. Latitude: 40.060833°, Longitude: -76.281389°.

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

Contact: 717-705-4802.

EA0703224-001. Charles Benedetto, 454 Ricotta Lane, Altoona, PA 16601, Antis Township, **Blair County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 8, 2024.

To 1.) install and maintain 4 log vanes, 1 log cross vane, 77-feet of modified mudsill, 80-feet of bankfull bench, 13-feet of placed rock protection, and to 2.) remove two gravel bars 6-inches of the water level at the time of the project. All impacts are for the purposes of restoring the eroded streambank. The project will impact 652-feet of stream and 66-feet of floodway. The project is located at 454 Ricotta Lane (Latitude: 40.5892287°, Longitude: -78.3222098°) in Antis Township, Blair County. No wetlands will be impacted by the project. Latitude: 40.5892287°, Longitude: -78.3222098°.

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 QM 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>
PAD090104	Chapter 102 Individual NPDES Permit	Issued	PECO Energy Co. 2301 Market Street N3-3 Philadelphia, PA 19103-1338	Bristol Borough Bucks County	SERO
PAD100023	Chapter 102 Individual NPDES Permit	Issued	Penn United Tech Inc. 799 N Pike Road Cabot, PA 16023-2223	Jefferson Township Butler County	NWRO
PAD150336	Chapter 102 Individual NPDES Permit	Issued	Stetler Ellen 17 Village Square Paoli, PA 19301-2108	Charlestown Township Chester County	SERO
PAD190001	Chapter 102 Individual NPDES Permit	Issued	Berks at Sunland Preserve LLC 197 Point Township Drive Northumberland, PA 17857-8852	Hemlock Township Columbia County	NCRO
PAD210113	Chapter 102 Individual NPDES Permit	Issued	Zimmerman Walter 235 Village Spring Lane Reinholds, PA 17569-9449	Penn Township Cumberland County	SCRO
PAD400064	Chapter 102 Individual NPDES Permit	Issued	Diplomat Investment Partners Co. LLC 205 N Aberdeen Avenue Wayne, PA 19087-3512	Hazle Township Luzerne County	NERO
PAD440030	Chapter 102 Individual NPDES Permit	Issued	Happy Holiday LLC 30 Happy Valley Drive Reedsville, PA 17084-9400	Brown Township Mifflin County	SCRO
PAD440031	Chapter 102 Individual NPDES Permit	Issued	Bratton Township Mifflin County 133 Mountain Lane McVeytown, PA 17051-8429	Bratton Township Mifflin County	SCRO
PAD450098	Chapter 102 Individual NPDES Permit	Issued	Messer LLC 200 Somerset Corporate Boulevard Suite 7000 Bridgewater, NJ 08807-2882	Coolbaugh Township Monroe County	NERO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD480095	Chapter 102 Individual NPDES Permit	Issued	Charles Chrin Real Estate Trust 400 S Greenwood Avenue Easton, PA 18045-3776	Palmer Township Northampton County	NERO
PAD500023	Chapter 102 Individual NPDES Permit	Issued	Trout Bros LLC 508 Red Rock Road Loysville, PA 17047-6100	Jackson Township Perry County	SCRO
PAD610008	Chapter 102 Individual NPDES Permit	Issued	Franklin Area School District 40 Knights Way Franklin, PA 16323	Sandycreek Township Venango County	NWRO
PAD670100	Chapter 102 Individual NPDES Permit	Issued	Columbia Gas of PA Inc. 38 N Duke Street York, PA 17401-1210	Hopewell Township York County	SCRO
PA0231801	Industrial Stormwater Individual NPDES Permit	Issued	Croda Inc. 8 Croda Way Mill Hall, PA 17751-8727	Lamar Township Clinton County	NCRO
PA0244228	Industrial Stormwater Individual NPDES Permit	Issued	Hyk Const Co. Inc. 430 Bridge Road Collegeville, PA 19426	Perkiomen Township Montgomery County	SERO
PA0244317	Industrial Stormwater Individual NPDES Permit	Issued	Wilcox Auto Salvage Inc. 241 Old Mill Road Sellersville, PA 18960	West Rockhill Township Bucks County	SERO
PA0276090	Industrial Stormwater Individual NPDES Permit	Issued	Amazon Com Service LLC P.O. Box 80842 Attn: Amazon Com NA Env Dept Seattle, WA 98108-0842	Upper Macungie Township Lehigh County	NERO
PA0276383	Industrial Stormwater Individual NPDES Permit	Issued	Electro Chemicals Manufacturing LLC 750 Broad Street Emmaus, PA 18049-3605	Emmaus Borough Lehigh County	NERO
PA0285111	Industrial Stormwater Individual NPDES Permit	Issued	Markwest Liberty Midstream & Resources LLC 4600 J Barry Court Canonsburg, PA 15317-5854	Robinson Township Washington County	SWRO
1524808	Joint DEP/PFBC Pesticides Permit	Issued	Newlin Greene HOA P.O. Box 878 Unionville, PA 19375-0878	Newlin Township Chester County	SERO
1524809	Joint DEP/PFBC Pesticides Permit	Issued	Quail Hill Springs HOA 12 Quail Hill Lane Downingtown, PA 19335-1083	East Brandywine Township Chester County	SERO
1524810	Joint DEP/PFBC Pesticides Permit	Issued	Pink Ribbon Farm 1205 Limestone Road Oxford, PA 19363-1020	Upper Oxford Township Chester County	SERO
2024802	Joint DEP/PFBC Pesticides Permit	Issued	Robbie Muirhead 44818 Farrington Road Spartansburg, PA 16434-1920	Rome Township Crawford County	NWRO
2516807	Joint DEP/PFBC Pesticides Permit	Issued	Erie Cemetery Association 2116 Chestnut Street Erie, PA 16502-2617	Millcreek Township Erie County	NWRO
2524806	Joint DEP/PFBC Pesticides Permit	Issued	Scott Post 9768 German Road North East, PA 16428-5358	North East Township Erie County	NWRO
4324812	Joint DEP/PFBC Pesticides Permit	Issued	Paula Unangst 41 Pears Lane Sandy Lake, PA 16145-2135	New Vernon Township Mercer County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4324813	Joint DEP/PFBC Pesticides Permit	Issued	Dylan Brenneman 2591 N Neshannock Road Hermitage, PA 16148-6406	Hermitage City Mercer County	NWRO
1500410	Land Application and Reuse of Sewage Individual WQM Permit	Issued	East Goshen Municipal Authority Chester County 1580 Paoli Pike West Chester, PA 19380-6107	East Goshen Township Chester County	SERO
PAI130079	MS4 Individual NPDES Permit	Issued	Warwick Township Bucks County 1733 Township Greene Jamison, PA 18929	Warwick Township Bucks County	SERO
PA0005037	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Homer City Generation LP 1750 Power Plant Road Homer City, PA 15748	Center Township Indiana County	NWRO
PA0051985	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Horsham Township Water & Sewer Authority Montgomery County 617 Horsham Road Horsham, PA 19044-1207	Horsham Township Montgomery County	SERO
PA0002887	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Union Electric Steel Corp P.O. Box 465 726 Bell Avenue Carnegie, PA 15106-0465	Carnegie Borough Allegheny County	SWRO
PA0060747	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Westchester Plastics LLC 42 Mountain Avenue Nesquehoning, PA 18240-2201	Nesquehoning Borough Carbon County	NERO
PA0000345	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Clarion Township Clarion County	NWRO
PA0255483	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Gray Area Water Authority of Jenner Township P.O. Box 118 Gray, PA 15544-1439	Jenner Township Somerset County	SWRO
PA0264687	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	New Beaver Borough Lawrence County	NWRO
PA0100056	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Rose Point Park Campground Co. 314 Rose Point Road New Castle, PA 16101-9358	Slippery Rock Township Lawrence County	NWRO
PA0221619	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Otto Township Sanitary Authority McKean County P.O. Box 284 Duke Center, PA 16729-0284	Otto Township McKean County	NWRO
6793404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	The York Water Co. 130 E Market Street York, PA 17401-1219	Springfield Township York County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXNE062	No Exposure Certification	Issued	American Bottling Co. 2109 City Line Road Bethlehem, PA 18017-2127	Bethlehem City Lehigh County	NERO
NOEXSE224	No Exposure Certification	Issued	Federal Express Corporation 3620 Hacks Cross Road Memphis, TN 38125-8800	Tinicum Township Delaware County	SERO
NOEXSE365	No Exposure Certification	Issued	Federal Express Corporation Environmental Department 3620 Hacks Cross Road Memphis, TN 38125-8800	West Whiteland Township Chester County	SERO
PAG030062	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Federal Express Corporation 3620 Hacks Cross Road Memphis, TN 38125-8800	Upper Merion Township Montgomery County	SERO
PAG030286	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PEL Healthcare LLC 650 Cathill Road Sellersville, PA 18960-1512	West Rockhill Township Bucks County	SERO
PAG030321	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Green Lane Auto Sales & Parts Inc. 3000 Geryville Pike Pennsburg, PA 18073-2607	Marlborough Township Montgomery County	SERO
PAG032428	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Aspire Bakeries 6080 Center Drive Los Angeles, CA 90045-9209	Hazleton City Luzerne County	NERO
PAG033559	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Bell & Evans Realty LLC P.O. Box 39 154 W Main Street Fredericksburg, PA 17026-0039	Bethel Township Lebanon County	SCRO
PAG033570	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Penske Logistics Inc. P.O. Box 7635 Reading, PA 19603-7635	Silver Spring Township Cumberland County	SCRO
PAG033613	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Susquehanna Area Region Airport Authority 1 Terminal Drive Suite 300 Middletown, PA 17057	Greene Township Franklin County	SCRO
PAG033651	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cargill Inc. 15407 McGinty Road W Wayzata, MN 55391-2365	Lebanon City Lebanon County	SCRO
PAG033723	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	CSX Intermodal Inc. 500 Water Street Suite J732 Jacksonville, FL 32202-4423	Guilford Township Franklin County	SCRO
PAG033903	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lancaster Airport Authority 500 Airport Road Suite G Lititz, PA 17543-7752	Manheim Township Lancaster County	SCRO
PAG033959	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Volvo Constr Equip North American LLC 312 Volvo Way Shippensburg, PA 17257-9209	Shippensburg Borough Franklin County	SCRO
PAG033965	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	FedEx Freight Inc. 2200 Forward Drive DC:2219 Harrison, AR 72601-2004	Lower Swatara Township Dauphin County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG034913	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Advanced Concrete System Inc. 55 Advanced Lane Middleburg, PA 17842-8757	Center Township Snyder County	NCRO
PAG036128	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Paul Bradigan & Sons Inc. P.O. Box 995 114 South Water Street Ext Kittanning, PA 16201-0995	Kittanning Borough Armstrong County	NWRO
PAG036148	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	CSX Transportation Inc. 500 Water Street J275 Jacksonville, FL 32202-4423	McKeesport City Allegheny County	SWRO
PAG036182	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Wood Waste Recycling LLC 111 Kelso Road McDonald, PA 15057	Collier Township Allegheny County	SWRO
PAG036318	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Heidelberg Materials Ne LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Somerset Township Washington County	SWRO
PAG036455	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Federal Express Corporation 3620 Hacks Cross Road Memphis, TN 38125-8800	Pittsburgh City Allegheny County	SWRO
PAG036496	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	West Salisbury Foundry & Mach Co. Inc. P.O. Box 541 Salisbury, PA 15558-0541	Elk Lick Township Somerset County	SWRO
PAG036504	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Allegheny Petro Products Co. 999 Airbrake Avenue Wilmerding, PA 15148-1064	Wilmerding Borough Allegheny County	SWRO
PAG036545	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mountain Top Salvage Inc. 1001 Foxburg Road Normalville, PA 15469-1041	Springfield Township Fayette County	SWRO
PAG041285	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Michelle and Robert Olson 6017 Firman Road Erie, PA 16510-4515	Harborcreek Township Erie County	NWRO
PAG041321	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Ann and Gerald Pituch 10221 Barton Road Waterford, PA 16441-2401	Greene Township Erie County	NWRO
PAG041327	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Eric Barton and Maria Carmen Barton 8494 Gulf Road North East, PA 16428-4310	North East Township Erie County	NWRO
PAG041343	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Howell Rebecca 2813 Pleasant Drive Warren, PA 16365-7620	Pleasant Township Warren County	NWRO
PAG041350	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Matthew and Michele Mapes 1265 Slippery Rock Road Slippery Rock, PA 16057-4031	Liberty Township Mercer County	NWRO
PAG045183	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Daniel N and Nancy E Phillips 940 Strick Road Danville, PA 17821-8089	Limestone Township Montour County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG048311	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Arthurs Stephanie 7 Hummingbird Lane Warren, PA 16365-4381	Glade Township Warren County	NWRO
PAG049298	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Bimber Douglas 1716 Spencer Road Corry, PA 16407-4526	Columbus Township Warren County	NWRO
PAG123587	PAG-12 NPDES General Permit for CAFOs	Issued	Rutt Ryan 524 N Garfield Road Bernville, PA 19506-9017	Penn Township Berks County	SCRO
PAG123637	PAG-12 NPDES General Permit for CAFOs	Issued	Jay L Bleacher 1175 Breneman Road Conestoga, PA 17516-9307	Manor Township Lancaster County	SCRO
PAG123664	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Nelson W 1850 Horseshoe Pike Annville, PA 17003-8831	South Annville Township Lebanon County	SCRO
PAG123728	PAG-12 NPDES General Permit for CAFOs	Issued	Good Barry L 1695 Rake Road Mohrsville, PA 19541-9232	Centre Township Berks County	SCRO
PAG123762	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123763	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123829	PAG-12 NPDES General Permit for CAFOs	Issued	Noah W Kreider & Sons LLP 1461 Lancaster Road Manheim, PA 17545-9768	Lower Swatara Township Dauphin County	SCRO
PAG123838	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Reading Township Adams County	SCRO
PAG123867	PAG-12 NPDES General Permit for CAFOs	Issued	David A Brenize 7201 Sunset Road Newburg, PA 17240	Lurgan Township Franklin County	SCRO
PAG123869	PAG-12 NPDES General Permit for CAFOs	Issued	Misty Glen Properties LP 230 Poplar Road Fleetwood, PA 19522-8936	Swatara Township Lebanon County	SCRO
PAG123910	PAG-12 NPDES General Permit for CAFOs	Issued	Noecker Gerry 3485 Tilden Road Mohrsville, PA 19541-9269	Centre Township Berks County	SCRO
PAG124819	PAG-12 NPDES General Permit for CAFOs	Issued	Hackman Willard G 1012 Dean Hill Road Wellsboro, PA 16901-7407	Delmar Township Tioga County	SCRO
PAG124842	PAG-12 NPDES General Permit for CAFOs	Issued	John Pepper Enterprises LLC 2624 SR 514 Granville Summit, PA 16926	Granville Township Bradford County	SCRO
4004405	Pump Stations Individual WQM Permit	Issued	Hazle Township Municipal Authority Luzerne County P.O. Box 502 Harleigh, PA 18225-0502	Hazle Township Luzerne County	NERO
PA0220787	Single Residence STP Individual NPDES Permit	Issued	Patrick G and V Kaye Williams 390 Osborn Road Greenville, PA 16125-3332	Salem Township Mercer County	NWRO
PA0263460	Single Residence STP Individual NPDES Permit	Issued	Landis Joseph 414 Freeport Street Saxonburg, PA 16056-9416	Clinton Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0265861	Single Residence STP Individual NPDES Permit	Issued	Jurkiewicz Briana and Joseph 3501 Spring Road Carlisle, PA 17013-8736	Middlesex Township Cumberland County	SCRO
PA0295701	Single Residence STP Individual NPDES Permit	Issued	Labans Michael 213 Hope Road Cranberry Township, PA 16066-3809	Cranberry Township Butler County	NWRO
1024403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Labans Michael 213 Hope Road Cranberry Township, PA 16066-3809	Cranberry Township Butler County	NWRO
2113402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Jurkiewicz Briana and Joseph 3501 Spring Road Carlisle, PA 17013-8736	Middlesex Township Cumberland County	SCRO
4704401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Daniel N and Nancy E Phillips 940 Strick Road Danville, PA 17821-8089	Limestone Township Montour County	NCRO
6290401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Arthurs Stephanie 7 Hummingbird Lane Warren, PA 16365-4381	Glade Township Warren County	NWRO
WQG01252402	WQG-01 WQM General Permit	Issued	Ann and Gerald Pituch 10221 Barton Road Waterford, PA 16441-2401	Greene Township Erie County	NWRO
WQG01252404	WQG-01 WQM General Permit	Issued	Eric Barton and Maria Carmen Barton 8494 Gulf Road North East, PA 16428-4310	North East Township 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>
PAC280357	PAG-02 General Permit	Issued	DRINE 19 Independence Drive Shippensburg, PA 17257	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280354	PAG-02 General Permit	Issued	Tall Pines Distillery 6920 Bryson Court Haymarket, VA 20169-0839	Chambersburg Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280353	PAG-02 General Permit	Issued	LEAD Directorate of Public Works 1 Overcash Avenue Chambersburg, PA 17201	Letterkenny Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280351	PAG-02 General Permit	Issued	LK 29, LLC 900 Kriner Road Chambersburg, PA 17201	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280350	PAG-02 General Permit	Issued	Modern Escapes, LLC 1811 Silverside Road Wilmington, DE 19810-4345	Montgomery Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280292 A-1	PAG-02 General Permit	Issued	Blairs Valley 1, LLC 1055 Thomas Jefferson St. NW Washington, DC 20007-5259	Montgomery Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280269 A-1	PAG-02 General Permit	Issued	Big Dog Investments, LP 1035 Wayne Avenue Chambersburg, PA 17201	Letterkenny Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280207 A-1	PAG-02 General Permit	Issued	Greenridge Farms, Inc. 11144 Old Forge Road Waynesboro, PA 17268-1882	Washington Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC510328	PAG-02 General Permit	Issued	CS Fishtown, LLC 134 West 29th Street 4th Floor New York, NY 10001	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@ pa.gov
PAC480166 A-1	PAG-02 General Permit	Issued	Ashwood Construction, LLC c/o Craig Deutsch 519 Pine Street Bath, PA 18014	Moore Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC010112	PAG-02 General Permit	Issued	Lineage Ventures, LLC 3995 Continental Dr. Columbia, PA 17512-9779	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC010230A-1	PAG-02 General Permit	Issued	Green Pallet, LLC 1255 Baugher Road Westminster, MD 21158	Mount Joy Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC540033	PAG-02 General Permit	Issued	Grande Land, LP 2213 Quarry Drive West Lawn, PA 19609	Norwegian Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC670701	PAG-02 General Permit	Issued	Brandon H. Fox 123 Stone Head Road Dillsburg, PA 17019	Dillsburg Borough York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670206	PAG-02 General Permit	Issued	Century Road Associates 429 Capitol Hill Road Dillsburg, PA 17019	Carroll Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC240037	PAG-02 General Permit	Issued	National Fuel Gas Distribution Corporation 1100 State Street Erie, PA 16501	City of Saint Mary's Elk County	Elk County Conservation District 850 Washington Street St Marys, PA 15857 814-776-5373
PAC160057	PAG-02 General Permit	Issued	Sheetz Inc. 435 Manmouth Drive Cranberry Township, PA 16066	Monroe Township Clarion County	Clarion County Conservation District 249 S 2nd Avenue Clarion, PA 16214 814-297-8014
PAC100339	PAG-02 General Permit	Issued	Slippery Rock University 1 Morrow Way Slippery Rock, PA 16057	Slippery Rock Township Slippery Rock Borough Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250081	PAG-02 General Permit	Issued	White Eagle Real Estate LLC 8430 Peach Street Erie, PA 16509	Summit Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6033
PAC540067	PAG-02 General Permit	Issued	Albert Sensenig 420 South Front St. Schuylkill Haven, PA 17972	Wayne Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC340051	PAG-02 General Permit	Issued	Sylvanus Peachy 2879 West Back Mountain Road Belleville, PA 17004	Walker Township Juniata County	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 717-436-8953
PAC340050	PAG-02 General Permit	Issued	Dwight Martin 1491 Red Rock Road Mifflintown, PA 17059	Walker Township Juniata County	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 717-436-8953
PAC240038	PAG-02 General Permit	Issued	Straub Brothers Realty LLC P.O. Box 942 St Mary's, PA 15857	City of Saint Mary's Elk County	Elk County Conservation District 850 Washington Street St Mary's, PA 15857 814-776-5373
PAC010272	PAG-02 General Permit	Issued	Hillandale Gettysburg, LP 3910 Oxford Road Gettysburg, PA 17325	Tyrone Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
PAC230299	PAG-02 General Permit	Issued	Eske Development, LLC c/o Anthony Diver 1390 Birmingham Rd West Chester, PA 19382	Nether Providence Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC230301	PAG-02 General Permit	Issued	Upper Darby School District c/o Marvin Lee 8201 Lansdowne Avenue Upper Darby, PA 19082	Upper Darby Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484 RA-EPNPDES_SERO@ pa.gov
PAC460846	PAG-02 General Permit	Issued	Hatfield Township 1950 School Road Hatfield, PA 19440-1923	Hatfield Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460860	PAG-02 General Permit	Issued	MCD 1 LLC 2001 State Hill Road Suite 205 Wyomissing, PA 19610-1607	Limerick Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC460857	PAG-02 General Permit	Issued	PRDC Properties LLC 740 Sansom Street Suite 501 Philadelphia, PA 19106-3236	Trappe Borough Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460862	PAG-02 General Permit	Issued	Upper Moreland Township 117 Park Avenue Willow Grove, PA 19090-3209	Upper Moreland Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460884	PAG-02 General Permit	Issued	Gwynedd Mercy University 1325 Sumneytown Pike Gwynedd Valley, PA 19437-0010	Lower Gwynedd Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC250212A1	PAG-02 General Permit	Issued	Westminster Development LLC 2601 West 26th Street Erie, PA 16506	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC540069	PAG-02 General Permit	Issued	B5K-K46, LP Brian Kobularcik 544 Hain Road Sinking Springs, PA 19608	West Brunswick Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

**NUTRIENT MANAGEMENT PLAN
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Terry Hershey 573 Strasburg Road Paradise, PA 17567	Lancaster County	82	492.34	Swine	NA	Approved
Shelmar Acres LLC Mitchell Shellenberger 580 Colebrook Road Mount Joy, PA 17552	Lancaster County	199.3	1,371.26	Swine Beef	HQ	Approved
Mike Martin 2050 West Main Street Ephrata, PA 17522	Lancaster County	22.9	254.69	Ducks Beef	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).

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

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

Operation Permit No. 2450119, Public Water Supply.

Applicant	Pennsylvania American Water Company
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Middle Smithfield Township
County	Monroe County
Application Received	May 29, 2024
Permit Issued	May 31, 2024
Description	Mid Monroe Well No. 1 has experienced a decline in its pumping rate and drawdown has increased signaling a loss of efficiency caused by clogging due to aggressive bacterial growth. There is a possibility that mineral encrustation is also present. The intent of the project is to restore Well No. 1 back to the original pumping capacity of 123 gpm (per application).

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

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Operation Permit 4924501MA. PWSID No. 4496031. Tulpehocken Mountain Spring Water, Inc., 750 Point Township Drive, Northumberland, PA 17857, Point Township, **Northumberland County.** Application received: June 20, 2024. Permit Issued: June 28, 2024. This permit authorizes the permittee to operate the Mueller Vapure VCS-1000 water distiller at the Tulpehocken Oak Park Bottling Plant in Point Township, Northumberland County.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist.

NCWSA Operation Permit 7360439. PWSID No. 7360439. Hershey Farm Restaurant, 240 Hartman Bridge Rd, Ronks, PA 17572, Strasburg Township, **Lancaster County.** Application received: June 20, 2024.

Permit Issued: July 2, 2024. This action authorizes operation of a permanent water system at Hershey Farm Restaurant, generally including three wells, cartridge filtration, cation exchange, disinfection, finished water storage, and booster pumps.

NCWSA Construction Permit 7360439. PWSID No. 7360439. Hershey Farm Restaurant, 240 Hartman Bridge Rd, Ronks, PA 17572, Strasburg Township, **Lancaster County**. Application received: June 21, 2024. Permit Issued: July 2, 2024. This action authorizes construction and connection of Well 5 to the Hershey Farm Restaurant public water supply.

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

Operation Permit 0124515 MA. PWSID No. 7010025. New Oxford Municipal Authority, 409 Water Works Road, New Oxford, PA 17350, Oxford Township, **Adams County**. Application received: May 30, 2024. Permit Issued: July 9, 2024. Relocation of a pH probe.

Operation Permit 0124516 MA. PWSID No. 7010019. Gettysburg Municipal Authority, 601 East Middle Street, Gettysburg, PA 17325, Cumberland Township, **Adams County**. Application received: May 31, 2024. Permit Issued: July 9, 2024. Replacement of the pH analyzer.

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

Emergency Permit 6724507 E. PWSID No. 7670061. Veolia Water Pennsylvania, Inc., 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Newberry Township, **York County**. Application received: July 1, 2024. Permit Issued: July 2, 2024. Limited duration emergency operation permit for bulk water hauling to the Newberry System's Grandview Tank.

Operation Permit 6721513 MA. PWSID No. 7670024. Liquid Management, LLC, 184 Meadowbrook Court, New Cumberland, PA 17070, Fairview Township, **York County**. Application received: June 12, 2024. Permit Issued: July 3, 2024. Issuance of Partial Operation Permit 2 for the Cliff View Mobile Home Park for the Well No. 1 treatment system improvements.

Construction/Operation Permit 6724505 MA. PWSID No. 7210028. Veolia Water Pennsylvania, Inc., 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Fairview Township, **York County**. Application received: April 11, 2024. Permit Issued: July 9, 2024. Construction/operation permit for pH probe replacement at the Rabold Water Treatment Plant.

Construction/Operation Permit 2124504 MA. PWSID No. 7210028. Veolia Water Pennsylvania, Inc., 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Mechanicsburg Borough, **York County**. Application received: April 11, 2024. Permit Issued: July 9, 2024. Construction/operation permit for a pH probe replacement at the Market Street Water Treatment Plant.

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Kimberleigh Rivers Clerical Assistant 2, 484-250-5887.

Construction Permit 1524508. PWSID No. 1460073. Aqua Pennsylvania, Inc. (Pickering), 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3402, Schuylkill Township, **Chester County**. Application received: May 17, 2024. Permit Issued: July 1, 2024. Aqua PA is

planning to upgrade the East WTP in order to eventually increase the treatment capacity of the plant.

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

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

Operation Permit 5026467-110. PWSID No. 5046467. Primo Water, 2615 Temple Heights Drive, Oceanside, CA 92056, **Beaver County**. Application received: June 26, 2024. Permit Issued: June 26, 2024. Deactivation of Entry Point 110.

Operation Permit 5026467-157. PWSID No. 5026467. Primo Water, 2615 Temple Heights Drive, Oceanside, CA 92056, **Allegheny County**. Application received: June 26, 2024. Permit Issued: June 26, 2024. Deactivation of Entry Point 157.

Operation Permit 5025467-176. PWSID No. 5026467. Primo Water, 2615 Temple Heights Drive, Oceanside, CA 92056, **Allegheny County**. Application received: June 26, 2024. Permit Issued: June 26, 2024. Deactivation of Entry Point 176.

Operation Permit 0224538. PWSID No. 5020045. Municipal Authority of the Township of Robinson, 4200 Campbells Run Road, Pittsburgh, PA 15205, Robinson Township, **Allegheny County**. Application received: June 27, 2024. Permit Issued: July 8, 2024. Raw Water Pump # 1.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

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

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

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

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

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

Contact: Eric Laur, Soil Scientist, 717-705-4773.

Site Suitability Notice for Land Application Under Approved PAG07, PAG08, **WMGR099** for **Synagro**, 62 North Main St., Stewartstown, PA 17363, Milford Township, **Juniata County**. Russell Adamire Farm Biosolids Site, 1573 Stetler Rd., Mifflintown, PA 17059. Application received: March 11, 2024, July 5, 2024.

Contact: Thomas J Sweeney Jr., Soil Scientist, 717-705-4786.

Site Suitability Notice for Land Application Under Approved PAG08, for **Denali**, 1221 Bruceville Road, Unit B, Keymar, MD 21757, Richmond Township, **Berks County**. Heffner Schwoyer Farm Biosolids Site, 16 Schwoyer Road, Kutztown, PA 19530. Land application of biosolids, agricultural utilization Application received: May 31, 2024. Approved: July 3, 2024.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

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

The Department has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Chesapeake Appalachia, LLC Indian Foot Well Pad Lease Road, Primary Facility ID # 871844, 2170 Margies Way, New Albany, PA 18833, Monroe Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Repsol Oil & Gas USA, LLC-Miller (08-116) E Well Pad, Primary Facility ID # 874905, 309 Thomas Road, Roaring Branch, PA 17765, Union Township, **Tioga County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Repsol Oil & Gas USA LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Water Works Hoagland Run Road Cleanup, Primary Facility ID # 777001, 1022 Hoagland Run Road, Cogan Station, PA 17728, Lycoming Township, **Lycoming County**. Weaver Consultants Group, LLC, 175 Maple Hill Drive, Etters, PA 17319, on behalf of Water Works Transport, LLC, 1912 John Brady Drive, Muncy, PA 17756, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater and surface water and sediment contaminated with production fluid. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the Site-Specific, Statewide health, and background.

Clean Energy Whispering Pines 12-27-23 Production Fluid Release, Primary Facility ID # 873019, 245 Sullivan Road, Wellsboro, PA 16901, Delmar Township, **Tioga County**. Penn Environmental & Remediation Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Clean Energy Exploration & Production, LLC, 2620 Egypt Road, Norristown, PA 19403, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Seneca Resources Company, LLC—Violet Bieser Unit 833, Primary Facility ID # 876501, 691 Shortsville Road, Covington, PA 16917, Chatham Township, **Tioga County**. ARM Group LLC, 2548 Park Center Boulevard, State College, PA 16801, on behalf of Seneca Resources Company LLC, 2000 Westinghouse Drive, Suite 400, Cranberry Township, PA 16066, submitted a Final Report concerning remediation of soil contaminated with production fluid. 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.

Pitt Ohio Express Hazleton, Primary Facility ID # 873807, 588 Oak Ridge Road, Hazleton, PA 18201, Hazle Township, **Luzerne County**. Geo-Technology Asso-

ciates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of Terminal Leasing, Inc., 588 Oak Ridge Road, Hazleton, PA 18201, submitted a Final Report concerning remediation of soil contaminated with styrene. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Padda Property, 1670 Church Road, Primary Facility ID # 876435, 1670 Church Road, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of Padda Property, LLC, 617 Grammes Lane, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated with metals and gasoline. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Lucknow-Highspire Terminals (former Gulf) Fullerton Terminal, Primary Facility ID # 663035, 2451 Main Street, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Piedmont Geologic, 6003-145 Chapel Hill Road, Raleigh, NC 27607, on behalf of Fullerton Terminal DE, LLC, 900 South Eisenhower Boulevard, Middletown, PA 17057, submitted a Final Report concerning remediation of soil and groundwater contaminated with petroleum. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

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

Contact: Jordan, 814-332-6172.

Vallimont Site Operable Unit 1, Primary Facility ID # 852672, 9266 Kuhl Road, Erie, PA 16510, Greene Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of American Tinning & Galvanizing Co., P.O. Box 1599, 552 West 12th Street, Erie, PA 16501, submitted a Final Report concerning remediation of soil contaminated with antimony, arsenic, cadmium, chromium (trivalent) Cr III, chromium (hexavalent) Cr VI, cobalt, iron, lead, manganese, nickel, vanadium, and zinc. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

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

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

Former Mount Joy Manufactured Gas Plant, Primary Facility ID # 622634, 223-225 West Main Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. Silar Services, Inc., 1851 French Creek Road, Phoenixville, PA 19460, on behalf of UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, submitted a Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with Coal Tar and Constituents. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

Former Mount Joy Manufactured Gas Plant, Primary Facility ID # 622634, 223-225 West Main Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. Silar Services, Inc., 1851 French Creek Road, Phoenixville, PA 19460, on behalf of PPL Services Corp., 1639 Church Road, Allentown, PA 18104, submitted a Cleanup Plan/Final Report concerning remediation of soil

and groundwater contaminated with Coal Tar and Constituents. The Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

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

Contact: C. David Brown, Professional Geologist Manager, 484-250-5792.

38th and Brown St, Primary Facility ID # 869026, 777-787 N 38th St, Philadelphia, PA 19104, City of Philadelphia, **Philadelphia County**. Kevin Burns, Batta Environmental Associates, Inc., 6 Garfield Way, Newark, DE 19713, on behalf of Paul Aylesworth, Women's Community Revitalization Project, 100 West Oxford Street, Philadelphia, PA 19122, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with Site soil contaminated with benzo(a)-anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(ghi)perylene; benzo(k)fluoranthene; biphenyl; chrysene, and indeno(1,2,3-cd)pyrene. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

219 Lancaster Avenue, Primary Facility ID # 876582, 219 Lancaster Avenue, Devon, PA 19333, Easttown Township, **Chester County**. Jeremy Bolyn, Environmental Maintenance Co. Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Joe Marshall, Rockhill Real Estate III, LP, 219 Lancaster Avenue, Devon, PA 19333, submitted a Final Report concerning remediation of soil contaminated with benzene, ethylbenzene, cumene, toluene, naphthalene, MTBE, 1,2,4-TMB, and 1,3,5-TMB. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Dedicated Right-of-Way, Primary Facility ID # 873073, Tomlinson Road and Philmont Ave Intersection, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**. Richard Lake, Geo-Technology Associates, LLC, 2405 John Fries Highway, Building 3, Quakertown, PA 18951, on behalf of Michael Charlton, ESC Philmont, LLC, 5074 Dorsey Hall Dr, Suite 205, Ellicott City, MD 21042, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of soil contaminated with Site soil is contaminated with arsenic, lead, mercury. The Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation

standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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.

Flynn Energy Transport South Main Street HHO Spill, Primary Facility ID # **875479**, South Main Street, Towanda, PA 18848, Towanda Township, **Bradford County**. Penn Environmental & Remediation Inc., 14180 Route 6, Mansfield, PA 16933, on behalf of Flynn Energy Transport, 342 E Macedonia Road, Towanda, PA 18848, submitted a Final Report concerning remediation of soil contaminated with Fuel Oil No. 2. The Final Report demonstrated attainment of the Statewide health standards. Approved: June 27, 2024.

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

Contact: Eric Supey, Environmental Program Manager.

O'Dell Impoundment, Primary Facility ID # **873652**, 2336 Houlihan Road, New Milford, PA 18834, New Milford Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted

a Final Report concerning remediation of soil contaminated with 3 releases of freshwater and production fluid (brine). The Final Report demonstrated attainment of the Statewide health standards. Approved: July 3, 2024.

Dupont Terminal, Primary Facility ID # **774849**, 675 Suscon Road, Pittston, PA 18640, Pittston Township, **Luzerne County**. Piedmont Geologic, 6003-145 Chapel Hill Road, Raleigh, NC 27607, on behalf of Dupont Terminals-DE, LLC, 900 South Eisenhower Boulevard, Middletown, PA 17057, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with petroleum. The Report was acceptable to meet Statewide health and site-specific standards. Approved: July 8, 2024.

10 Main Street, Primary Facility ID # **874917**, 10 Main Street, New Philadelphia, PA 17959, Blythe Township, **Schuylkill County**. Union Technical Group, P.O. Box 8123, Pelham, NY 10803, on behalf of Quality Discount Heating Oil and Propane, 1 Second Street, Port Carbon, PA 17965, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: July 9, 2024.

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

Contact: Chris, 724-598-2206.

Reno Well Site, Primary Facility ID # **875736**, 191 Logan Road, Valencia, PA 16059, Middlesex Township, **Butler County**. Moody & Associates, Inc., 2402 West 8th Street, Erie, PA 16505, on behalf of PennEnergy Resources, LLC, 3000 Westinghouse Drive, Suite 300, Cranberry, PA 16066, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, chloride, iron, lithium, manganese, strontium, zinc, selenium, and vanadium. The Final Report demonstrated attainment of the Statewide health standards. Approved: July 9, 2024.

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

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

1501 North George Street, Primary Facility ID # **830589**, 1501 North George Street, York, PA 17404, Manchester Township, **York County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of George Street Investors, LLC, P.O. Box 429, Conshohocken, PA 19428, submitted a Final Report concerning remediation of soil and groundwater contaminated with Leaded and Unleaded Gasoline Compounds. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: July 8, 2024.

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

Contact: C. David Brown, Professional Geologist Manager, 484-250-5792.

Laurel Manor Apartments, Primary Facility ID # **862777**, 333 North Ave, Secane, PA 19018, Upper Darby Township, **Delaware County**. Stephanie Clorety, EBI Consulting, 21 B Street, Burlington, MA 01803, on behalf

of Ed Hoffman, Laurel Manor Realty LLC, 1500 Ave of the States, Suite 400, Lakewood, NJ 08701, submitted a Remedial Investigation Report concerning remediation of groundwater contaminated with Site groundwater contaminated with tetrachloroethene (PCE), trichloroethene (TCE), and cis-1,2-Dichloroethene (cis-1,2-DCE). The Report did not demonstrate attainment of the site-specific standard. Issued an administrative deficiency letter: July 8, 2024.

2739 N 5th St, Primary Facility ID # **844800**, 2739-2747 N Orkeny St, Philadelphia, PA 19133, City of Philadelphia, **Philadelphia County**. August Mack Environmental, 806 Fayette Street, Conshohocken, PA 19428, on behalf of HACE, 167 W Allegheny Avenue, Suite 200, Philadelphia, PA 19140, submitted a Final Report concerning remediation of soil contaminated with site soil contaminated with benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, bis(2-ethylhexyl)phthalate, indeno(1,2,3-cd)pyrene, benzo(k)fluoranthene, acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, chrysene, fluoranthene, fluorene, 2-methylnaphthalene, naphthalene, phenanthrene, pyrene, and vanadium. The Final Report did not demonstrate attainment of the site-specific standard. Issued a technical deficiency letter: June 4, 2024.

Former Metech Corporation Site, Primary Facility ID # **873654**, 4110 Conestoga Road, Elverson, PA 19520, East Nantmeal Township, **Chester County**. Arcadis US, Inc., 2100 Georgetown Drive, Suite 402, Sewickley, PA 15143, on behalf of Parker Lord, 6035 Parkland Blvd, Mayfield Heights, OH 44124, submitted a Risk Assessment/Remedial Investigation concerning remediation of soil and groundwater contaminated with site soil and groundwater contaminated with volatile organic compounds and metals. The Final Report did not demonstrate attainment of the site-specific standard. Issued a technical deficiency letter: July 5, 2024.

Raceway Kia, Primary Facility ID # **865179**, 1402 Ridge Pike, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. David DiPascale, TTI Environmental Inc., 1253 N Church St, Moorestown, NJ 08057, on behalf of Wayne Heilman, RW Real Estate, 1209 SW 54th Lane, Cape Coral, FL 33914, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil contaminated with Site soils contaminated with lead. The Report demonstrated attainment of the site-specific standards. Approved: July 8, 2024.

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

Contact: Thomas Buchan P.G. EGM, 412-442-5240.

Gibsonia Commons, Primary Facility ID # **873871**, 5315-5317 William Flynn Highway, Gibsonia, PA 15044, Richland Township, **Allegheny County**. ECS Mid-Atlantic, LLC, 100 East Kensing Drive, Suite 300, Cranberry Township, PA 16066, on behalf of Hawkins Companies, 6263 N. Scottdale Road, Suite 142, Scottdale, AZ 85250, submitted a Final Report concerning remediation of soil and groundwater contaminated with 1,2,4-trimethylbenzene, benzene, 1,2 dichloroethane, naphthalene, 1,1,1-trichloroethane. The Final Report demonstrated attainment of the Statewide health standards. Approved: July 8, 2024.

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.

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

Contact: Lisa D. Houser, P.E., Facilities Manager, 570 327-3740.

301626. White Pines Corp, 515 State Route 442, Millville, PA 17846, Pine Township, **Columbia County**. Minor Permit Modification for a change to the construction of leachate storage basin # 3 to allow for GCL directly above the 6-inch subbase. Application received: May 14, 2024. Issued: June 26, 2024.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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

Contact: Carrie A. Fleming, Program Manager, 717-705-4706.

101620. Waste Management of PA Camp Hill Transfer Station, 4300 Industrial Road, Camp Hill, PA 17011, Hampden Township, **Cumberland County**. Solid Waste permit renewal for the operation of the Camp Hill Transfer Station Application received: September 13, 2023.

Persons interested in reviewing the permit may contact Carrie A. Fleming, Program Manager, (717-705-4706), Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

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

Contact: Mohamad Mazid, Chief, Technical Services, E-Mail Address: RA-EPWM-SERO-PERMITTS@pa.gov.

101699. Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County**. This major permit modification application is for a lateral expansion to the east of the existing disposal area (i.e., the "Eastern Expansion") of the Fairless Landfill, an active municipal waste landfill located in Falls Township, Bucks County. Application received: March 16, 2022. Issued: July 3, 2024.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMITTS@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

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

Contact: David Balog, NSR Chief, 814-332-6328.

GP5-33-00188G: CNX Midstream Operating Co., LLC, 1782 Bowers Rd, Punxsutawney, PA 15767, Gaskill Township, **Jefferson County**. Issued a GP5 permit renewal to an existing natural gas compressor station. The permit will expire on June 30, 2029. Application received: June 5, 2024. Issued: July 5, 2024.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

GP3-23-0028, GP9-23-0015: Monarch, 150 S 69th St, Upper Darby, PA 19082-4118, Upper Darby Township, **Delaware County**. This action is for the issuance of a General Plan Approval and General Permit for a Portable Nonmetallic Mineral Processing Plant as well as a General Plan Approval and General Permit for a Diesel or No. 2 Fuel Oil Fired Internal Combustions Engine at a construction site. Application received: June 6, 2024. Issued: July 1, 2024.

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

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

AG5A-63-00003B (GP5A-63-01019B): Range Resources Appalachia, LLC, 300 Town Center Boulevard, Canonsburg, PA 15317, Donegal Township, **Washington County**. For reauthorization under GP-5A to operate sources and controls associated with natural gas production operations at its Hunter John 11629 Well Pad. Application received: January 10, 2024. Authorized: July 1, 2024.

AG5A-63-00001B (GP5A-63-01015B): Range Resources Appalachia, LLC, 300 Town Center Boulevard, Canonsburg, PA 15317, Jefferson Township, **Washington County**. For reauthorization under GP-5A to operate sources and controls associated with natural gas production operations at its Miller William 10129 Well Pad. Application received: September 1, 2023. Authorized: July 1, 2024.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

15-0110B: Pepperidge Farm/Downingtown Facility, 421 Boot Rd, Downingtown, PA 19335-3043, Downingtown Borough, **Chester County**. This action is for the

extension of a plan approval temporary operation and shakedown of two 25-ton capacity use bins for deliveries of flour. Application received: May 17, 2024. Issued: July 2, 2024.

46-0045: PECO/W Conshohocken Gas Plant, 300 Front St, Conshohocken, PA 19428-2723, West Conshohocken Borough, **Montgomery County**. The plan approval is being extended for the installation of four new Uniflux/Exotherm heaters to replace the five existing Vaporizers at their gas plant. Application received: July 1, 2024. Issued: July 2, 2024.

46-0005BB: Merck Sharp & Dohme LLC/West Point Plant, 770 Sumneytown Pike, West Point, PA 19486-8000, Upper Gwynedd Township, **Montgomery County**. This action is for the extension of a plan approval for (1) the construction of Boiler 11, a new dual fuel-fired boiler (190.0 MMBtu/hr for natural gas and 182.77 MMBtu/hr for No. 2 fuel oil); (2) decommissioning of Boiler 3; (3) the construction of a 175-kW natural gas-fired emergency generator; and, (4) the construction of a new 2-MW natural gas-fired peak shaving generator. Application received: June 21, 2024. Issued: July 5, 2024.

23-0003AF: Monroe Energy LLC, 4101 Post Rd, Trainer, PA 19061-5052, Trainer Borough, **Delaware County**. This action is for the extension of a Plan Approval to replace the reactor of the existing Fluid Catalytic Cracking Unit. Application received: June 11, 2024. Issued: July 5, 2024.

23-0003Z: Monroe Energy LLC, 4101 Post Rd, Trainer, PA 19061-5052, Trainer Borough, **Delaware County**. This action is for the extension of a Plan Approval for the construction of three (3) new cooling towers at the Refinery. Application received: June 11, 2024. Issued: July 5, 2024.

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

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

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

36-03218A: East Penn Manufacturing Co., Inc., 2501 Horseshoe Road, Lancaster, PA 17601, Upper Leacock Township, **Lancaster County**. For the construction of eight (8) lid sealing units at the Lancaster Mold facility. The plan approval was extended. Application received: June 10, 2024. Issued: July 1, 2024.

06-05159A: Alpek Polyester USA, LLC, 4030 Pottsville Pike, Reading, PA 19605, Muhlenberg Township, **Berks County**. For the installation of four (4) Caterpillar, 2,069 HP, natural gas-fired engines for their combined heat and power system and three (3) natural gas-fired, 7,877 MMBtu/hr, Miura boilers at the pcrPET bottles and container recycle plant. The plan approval was extended. Application received: July 3, 2024. Issued: July 3, 2024.

36-03195A: Mount Joy Wire Corporation, 1000 East Main Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. For the reactivation of the facility's Combined Heat & Power (CHP) generation unit that had been previously idled at the wire manufacturing facility. The plan approval was extended. Application received: June 26, 2024. Issued: July 8, 2024.

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

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

PA-65-00990C: Tenaska Pennsylvania Partners, LLC, 14302 FNB Pkwy, Omaha, NE 68154, South Huntingdon Township, **Westmoreland County**. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection (Department) has issued a modification to Plan Approval PA-65-00990C for the existing natural gas-fired combined cycle power plant known as the Westmoreland Generating Station in South Huntingdon Township, Westmoreland County owned and operated by Tenaska Pennsylvania Partners, LLC to incorporate the applicable Reasonably Available Control Technology (RACT) III requirements and include the requirements of PA-65-00990F. Requirements include 25 Pa. Code § 129.112(d) for the auxiliary boiler to install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices for the control of the VOC emissions and 25 Pa. Code § 129.112(g)(2)(iii)(B) to limit VOC emissions from the combined cycle units to 2 ppmvd VOC (as propane) at 15% oxygen. The RACT III Notification, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this modification are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the Department's website at: <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>. A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; asandy@pa.gov; or fax 412-442-4194. 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-65-00990C) and a concise statement of the objections to the plan approval 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. Application received: December 30, 2023. Issued: June 7, 2024.

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

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

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

32-00040: Seward Generation LLC, 595 Plant Rd, New Florence, PA 15944, East Wheatfield Township, **Indiana County**. The Department issued the modification to the Title V Permit to Seward Generation LLC for the operation of an electrical generation facility. The facility's major emission sources include two circulating fluidized bed (CFB) waste coal boilers equipped with SNCR, baghouse, and flyash reinjection; four limestone dryers; five diesel engines; space heater; material handling and a part washer. The modification is pursuant to 25 Pa. Code §§ 127.541 (Significant Operating Permit modifications) and 127.542 (Revising an Operating Permit for cause). The modification incorporated of requirements

from the COA signed on August 17, 2023 pertaining to the 1-Hour SO₂ NAAQS for the Indiana PA Nonattainment Area as well as the applicable RACT III presumptive requirements (Sections §§ 129.111, 129.112, and 129.1115). Application received: October 17, 2023. Issued: June 26, 2024.

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.

29-05001: JLG Industries, Inc., 1 JLG Drive, McConnellsburg, PA 17233-9502, Ayr Township, **Fulton County**. For the lift equipment manufacturing facility. The Title V permit was renewed. Application received: November 20, 2023. Issued: July 2, 2024.

Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

17-00066: Forum US, Inc., 1102 Industrial Park Road, Clearfield, PA 16830-6020, Lawrence Township, **Clearfield County**. The Department renewed the permit to allow for the continued operation of their sources within the Forum Energy Technologies/Clearfield Plant facility. The renewal permit incorporates all applicable Federal and State regulatory requirements, including testing, monitoring, recordkeeping, reporting, work practices and other appropriate conditions necessary to verify compliance. Application received: April 4, 2023. Revised: July 8, 2024. New expiration date: July 7, 2029.

17-00071: Matheson Tri Gas, Inc., 1700 Scepter Road, Waverly, TN 37185-3253, Clearfield Borough, **Clearfield County**. The Department issued an initial State Only Operating Permit authorization for their Continental Carbonic Products CO₂ recovery plant. All applicable Federal and State regulatory requirements are incorporated into the Operating Permit, including testing, monitoring, recordkeeping, reporting, work practices and other conditions as necessary to verify compliance. Application received: October 2, 2023. Issued: July 8, 2024. Expiration date: July 7, 2029.

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

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

24-00121: Northwest Hardwoods Ridgway Fac, 299 Hardwood Dr, Ridgway, PA 15853-7059, Ridgway Township, **Elk County**. The Department issued the renewal State Only Natural Minor Operating Permit for the hardwood lumbers sawmill. The facility's primary emission sources include an 11.9 mmBtu/hr wood-fired boiler controlled by a multiclone, three (3) wood-fired space heaters, and miscellaneous woodworking operations controlled by a cyclone. The potential emissions of the primary pollutants from the facility are as follows: 12.38 TPY (tons per year) NO_x, 33.77 TPY CO, 0.96 TPY VOC, 19.01 TPY PM₁₀, 11.69 TPY PM_{2.5}, and 1.41 TPY SO_x; thus, the facility is a natural minor. The boiler is subject to 40 CFR 63 Subpart JJJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. The

renewal permit contains emission restrictions, record-keeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: February 16, 2023. Issued: July 2, 2024.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Maryjoy Ulatowski, Chief, Source Registration, 215-685-9476.

OP20-000012: Furness High School, 1900 S. 3rd St., Philadelphia, PA 19148-2635, City of Philadelphia, **Philadelphia County**, Air Management Services (AMS) issued an initial Natural Minor Operating Permit (NMOP) for the operation of a school. The facility's air emission sources include four (4) 8.299 MMBtu/hr boilers that burn natural gas and No. 2 oil. Application received: February 5, 2020. Issued: July 2, 2024.

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

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

38-03057: Porterfield Scheid Funeral Directors & Cremation Services, Ltd., 980 Isabel Drive, Lebanon, PA 17042-7482, North Cornwall Township, **Lebanon County**. For the human crematory at the facility. The State-Only permit was renewed. Application received: January 22, 2024. Issued: July 1, 2024.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

15-00031: Henry Company/Kimberton Facility, 2911 E Slauson Ave, Huntington Park, CA 90255-3135, East Pikeland Township, **Chester County**. This action is a renewal of a State Only Natural Minor Operating Permit for the manufacturing of protective asphalt coatings. Application received: February 14, 2023. Issued: July 5, 2024.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

15-00138: Aqua PA Inc/Pickering Water Treatment Plant, 150 Valley Forge Rd, Phoenixville, PA 19460, Schuylkill Township, **Chester County**. This action is for an Administrative Amendment of State-Only Operating Permit No. 15-00138 issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. This Operating Permit was amended to incorporate Plan Approval No. 15-0138A into the Operating Permit No. 15-00138. Application received: May 6, 2024. Issued: June 20, 2024.

23-00004: ReWorld Delaware Valley/Chester City Facility, 777 N Eldridge Blvd, 15990 N Barkers Landing 200, Houston, TX 77079, City of Chester, **Delaware County**. This action is for an Administrative Amendment of TVOP No. 23-00004 issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Title V Operating Permit was amended to reflect a facility name change. Application received: May 28, 2024. Issued: June 20, 2024.

15-00077: Heidelberg Materials Northeast/Downingtown Quarry, P.O. Box 152, Downingtown, PA 19335-0152, East Caln Township, **Chester County**. In accordance with 25 Pa. Code § 127.450, the administrative amendment incorporates plan approval 15-0077B into the State-Only Operating Permit. This plan approval was for the replacement of the primary and secondary sections of the Downingtown Quarry crushing plant. The existing tertiary plant was not replaced. The permit does include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements. Application received: June 4, 2024. Issued: July 5, 2024.

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

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

GP5A-10-00439A: XTO Energy Inc., 465 Crisswell Rd, Butler, PA 16002, Penn Township, **Butler County**. The de minimis emission increase is for the construction of a blanket gas system on the produced liquids tanks at the well pad. This will be used to control the operating pressure of the tanks. This includes adding piping and piping components. This change is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the GP5A General Plan Approval and Operating Permit issuance on 11/3/2024.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)	HAPs (tons)
6/26/24	Blanket Gas System	-	-	-	0.1	-	0.002
Total Reported Increases		-	-	-	0.065	-	0.002
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility	

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill and Aleppo Townships, Greene County. To revise the permit and related NPDES permit for installation of a 1.4 miles long overhead electric line, affecting 18.8 surface acres. Application received: February 14, 2024. Accepted: March 19, 2024. Issued: July 2, 2024.

Mining Permit No. 63091301. NPDES No. PA0236004. Tunnel Ridge, LLC, 184 Schoolhouse Lane, Valley Grove, WV 26060, Donegal, West Finley and East Finley Townships, Washington County. To revise the permit and related NPDES permit for installation of a bleeder shaft and six (6) boreholes, affecting 8.5 surface acres. Application received: February 3, 2023. Accepted: April 5, 2023. Issued: July 3, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. GP12 Permit No. GP12-40120101 on Mining Permit No. 40120101. Northampton Fuel Supply Co., Inc., 1 Horwith Drive, Northampton, PA 18067, Foster and Hazle Townships, Luzerne County. Renewal of general Operating Permit to operate a coal preparation plant. Application received: March 29, 2024. Renewal issued: July 2, 2024.

Noncoal Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 5278SM4. Pocono Sand & Stone, LLC, P.O. Box 540, Newfoundland, PA 18445,

Greene Township, Pike County. Correction to a quarry to include mine reclamation fill as a reclamation option affecting 67.0 acres. Receiving stream: Wallenpaupack Creek. Application received: November 16, 2023. Correction issued: July 2, 2024.

Mining Permit No. 09080301. NPDES Permit No. PA0224642. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, Hilltown Township, Bucks County. Renew NPDES Permit on a quarry operation. Receiving stream: UNT to Morris Run. Application received: April 27, 2023. Renewal issued: July 9, 2024.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

CORRECTION—previously published on June 29, 2024.

Permit No. 09244105. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, West Rockhill, Milford and Salford Townships, Bucks and Montgomery Counties. Construction blasting for Turnpike Reconstruction. Application received: June 4, 2024. Permit issued: June 14, 2024. Expiration date: June 5, 2025.

Permit No. 36244119. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, West Donegal Township, Lancaster County. Construction blasting for Jack Gardiner subdivision. Application received: June 27, 2024. Permit issued: July 3, 2024. Expiration date: December 30, 2024.

Permit No. 38244110. J Roy's, Inc., P.O. Box 125, Bowmansville, PA 17507, South Annville Township, Lebanon County. Construction blasting for Carmany Place. Application received: June 27, 2024. Permit issued: July 3, 2024. Expiration date: June 28, 2025.

Permit No. 67244105. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Fairview Township, York County. Construction blasting for Pleasant View Phase 4. Application received: June 27, 2024. Permit issued: July 3, 2024. Expiration date: July 8, 2025.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-772-5971.

Contact: David Goerman, WPS.

MB990459-0002. First Pennsylvania Resource, LLC, 665 Welsh Road, Wellsboro, PA 16901, Charleston Township, **Tioga County**. U.S. Army Corps of Engineers Baltimore District.

Authorized to construct and maintain the Babb Creek Mitigation Bank. The project consists of restoration, enhancement, and conservation activities within approximately 81 acres within the headwaters of Babb Creek watershed (CWF, MF, EV). The 81 acres comprising the Babb Creek Mitigation Bank will be placed under conservation easements except for those portions located on submerged lands of the Commonwealth. The project includes activities affecting uplands, floodplains, approximately 12,857 linear feet of water courses; and approximately 29 acres of wetland all within the Babb Creek watershed. The project proposes to result in approximately 10,678 stream credits and 27 wetland credits. The project is intended to provide compensatory mitigation for impacts located within the State Compensation Service Area 09. The project may provide compensatory mitigation credits through the applicant's existing permit MB9915-0001. This application is being jointly evaluated as a mitigation bank by the Army Corps of Engineers

under the 2008 Mitigation Rule. In addition, seven (7) agricultural rock ford crossings and two (2) culvert crossings are being installed in conjunction with the restoration work in accordance with BWEW General Permit 6 and 7 terms and conditions. Latitude: N: 41°, 43', 15.115", Longitude: -W: 77°, 13', 49.48". Application received: December 12, 2023. Approved: July 10, 2024.

Contact: RA-EPREGIONALPERMIT@pa.gov.

EA3683223-003. Sadsbury Township, 7182 White Oak Road, Christiana, PA 17509, Sadsbury Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a stream restoration project in a 238-foot reach of a UNT to Williams Run (TSF, MF) for the purpose of improving channel stability, reducing sediment load, and establishing a floodplain. Work will include the regrading of the stream banks and floodplain bench, installation of rock underlayment at culvert outfall, and the instream installation of log sills for grade control. Additionally, a livestock crossing, authorized under DEP General Permit No. GP063683223-015, will be installed to protect the streambed and banks from erosion caused by livestock. The project is located approximately 0.6 mile south of Gap, east of Newport Pike along an unnamed tributary to Williams Run (Gap, PA Quadrangle) in Sadsbury Township, Lancaster County. Latitude: 39.977300°, Longitude: -76.012030°. Application received: September 27, 2023. Issued: June 26, 2024.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E4802223-012. Portland Industrial Park, LP, 102 Demi Road, P.O. Box 330, Portland, PA 18351, Upper Mount Bethel Township, **Northampton County**. U.S. Army Corps of Engineers Philadelphia District.

To permanently impact 0.48 acre of lacustrine water body (water-filled quarry pit) for the construction of a 128,195 square foot recycling facility and a 3,600 square foot truck maintenance shop. The project is located in Upper Mt. Bethel Township, Northampton County, PA. (Portland, PA Quadrangle, Latitude: 40°, 54', 46"; Longitude: -70°, 05', 46"). Latitude: 40°, 54', 46", Longitude: -70°, 05', 46". Application received: December 15, 2023. Issued: July 2, 2024.

E4002223-011. NorthPoint Development, LLC, 3315 North Oak Trafficway, Kansas City, MO 64116, Hanover Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain and the following water obstructions and encroachments associated with the Tradeport 164—Building # 10 Project: 1) A utility crossing above an enclosed portion of Espy Run (CWF, MF) consisting of an 8-inch diameter ductile iron water line. 2) A utility crossing above an enclosed portion of Espy Run (CWF, MF) consisting of a 2-inch diameter plastic natural gas line. 3) A utility crossing above an enclosed portion of Espy Run (CWF, MF) consisting of an 8-inch diameter PVC sanitary sewer line and a concrete manhole. 4) An aerial utility crossing of an enclosed portion of Espy Run (CWF, MF) consisting of an overhead electric and telecommunications line. 5) A fill within 0.1 acre of PEM Wetlands (Other) consisting of an access road and associated grading. 6) A stormwater outfall along the eastern bank of Espy Run (CWF, MF) consisting of a

30-inch diameter RCP pipe, concrete headwall, and R-4 riprap apron. 7) A fill within a 0.31-acre open body of water within the Espy Run (CWF, MF) watershed. 8) A fill within a 0.54-acre open body of water within the Espy Run (CWF, MF) watershed. The project is located approximately 0.1 mile south of the intersection of Front Street and Pine Street (Wilkes-Barre West, PA Quadrangle Latitude: 41°, 10', 55.71"; Longitude: -75°, 59', 5.35") in Hanover Township, Luzerne County. Application received: May 8, 2023. Issued: July 3, 2024.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E3706223-001. Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 15250, Neshannock Township, **Lawrence County**. U.S. Army Corps of Engineers Pittsburgh District.

Construct and maintain improvements to the existing New Castle Water Treatment Plant including demolition of existing structures, relocation of pump stations and construction of a new sludge dewatering building, holding tank, and backwash tank impacting approximately 0.38 acre of the mapped FEMA 100-year floodway of the Shenango River and to construct and maintain a 12-inch diameter outfall along the left bank of UNT Shenango River at its confluence with Shenango River. Latitude: 41.017975°, Longitude: -80.362110°. Application received: December 27, 2023. Issued: July 3, 2024.

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

Contact: 717-705-4802.

E0603223-017. Bridging Pennsylvania Developer 1, LLC, Nova Tower 1, Suite 300, Pittsburgh, PA 15212, Greenwich Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District.

Giving its consent to remove existing structure and to install and maintain (1) a 615-foot-span by 121 foot 4.5 inch wide bridge over Maiden Creek (TSF, MF) with riprap scour protection, (2) to extend a 44 inch diameter culvert conveying a UNT to Maiden Creek (TSF, MF) by 73.3 feet, (3) to extend a 48-inch diameter pipe conveying a UNT to Furnace Creek by 12.3 feet, and (4) to relocate 127-feet of a UNT to Maiden Creek (TSF, MF). This is for the purpose of improving transportation safety in Greenwich Township, Berks County (40.5768°, -75.8895°). The project proposes to permanently impact 451 linear feet of stream channel with 565 linear feet of temporary stream channel impacts and 0.35 acre of permanent wetland impact and 0.489 ac of temporary wetland impact. To compensate for permanent wetland loss, the applicant proposes to purchase 0.16 acre of wetland credits from the Quaker Mitigation Bank (PADEP Permit # MB990306-0001) in Berks County, Pennsylvania. To compensate for stream impacts, the applicant will restore 127 linear feet of a UNT to Maiden Creek (TSF, MF) on site. Application received: August 14, 2023. Issued: July 2, 2024.

E0503223-002. Pennsylvania Game Commission, 2001 Elmerton Ave, Harrisburg, PA 17110, Monroe Township, **Bedford County**. U.S. Army Corps of Engineers Baltimore District.

Giving its consent to 1) construct and maintain a 50-foot long, 14-foot wide, single span, steel beam, timber deck bridge with reinforced 14-foot by 2-foot concrete abutments across Elk Lick Creek (HQ-CWF, MF) and in the floodway of Elk Lick Creek (HQ-CWF, MF) resulting

in 14 linear feet (420 square feet) of permanent stream impact and 224 square feet of permanent floodway impact (Latitude: 39.864161, Longitude: -78.474939); 2) place and maintain 14-feet by 4-feet of R-4 rock rip rap for scour protection at each abutment in the floodway of Elk Lick Creek (HQ-CWF, MF) and grade and maintain 34 linear feet (476 square feet) of the floodway of Elk Lick Creek (HQ-CWF, MF); 3) Construct and maintain a 50-foot long, 14-foot wide, single span, steel beam, timber deck bridge with reinforced 14-foot by 2-foot concrete abutments across Elk Lick Creek (HQ-CWF, MF) and in the floodway of Elk Lick Creek (HQ-CWF, MF) resulting 14 linear feet (420 square feet) of permanent stream impact and 224 square feet of permanent floodway impact (Latitude: 39.870797, -78.471554); 4) place and maintain 14-feet by 4-feet of R-4 rock rip rap for scour protection at each abutment in the floodway of Elk Lick Creek (HQ-CWF, MF) and grade and maintain 34 linear feet (476 square feet) of the floodway of Elk Lick Creek (HQ-CWF, MF); all for the purpose of providing safe and reliable access to inaccessible portions of State Game Lands 097. The project is located within State Game Lands 097 in Monroe Township, Bedford County. No wetlands will be impacted by this project. Latitude: 39.864161, 39.870797°. Application received: June 28, 2023. Authorized: July 8, 2024.

WATER QUALITY CERTIFICATIONS

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

EA0405223-003. U.S. Army Corps of Engineers, 1000 Liberty Ave, Pittsburgh, PA 15222, Industry Borough, Potter Township and Raccoon Township, **Beaver County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Remove a portion of the existing dam and auxiliary lock chamber, at USACE's Montgomery locks and dam structure, and to construct and maintain a replacement 110 Linear Feet (LF) wide 600 LF long lock chamber, within the Ohio River (WWF, N); 2. Operate and maintain the remaining portions of the existing dam and main lock chamber (existing main lock chamber to function as the auxiliary lock chamber, after construction); 3. Construct and maintain a 1,475 LF guard wall and bullnose coffer cells, in the Ohio River, at the downstream end of the new lock chamber; 4. Construct and maintain a 1,027 LF guard wall and bullnose coffer cells, in the Ohio River, at the upstream end of the new lock chamber; 5. Dredge approximately 640,000 CY of material from the Ohio River, in association with these construction activities—a majority of this material will be reused on site; 6. Construct and maintain five (5) river navigation dikes upstream, and one (1) river navigation dike downstream, in the Ohio River, for safer travel of barges through the lock; 7. Construct and maintain 270 LF of derrick stone along the downstream face of the existing dam, to fill existing scour holes; 8. Construct temporary coffer cells and other temporary erosion and sediment pollution control structures, which will be removed after construction; For the purpose of replacing the deteriorating auxiliary chamber of the Montgomery locks and dam, with a new river chamber, in order to improve navigation on the Ohio River. This project will cumulatively impact approximately 5,240 linear feet (24.8 acres) of the Ohio River and will temporarily impact an additional 4,631 LF of the Ohio River. This project is the third phase of the Corps'

improvements to its existing Montgomery locks and dam structure. DEP previously granted State water quality certification for two (2) other phases of this project—The Montgomery Concrete Batch Plant Project (DEP File No. EA0405223-001) and the Montgomery Slough Habitat Mitigation Project (DEP File No. EA0405223-002). These improvements to the Montgomery locks and dam structure are only one component of USACE's Upper Ohio River Navigation (UON) Project, which will include future improvements to its Emsworth and Dashields locks and dam structures. To provide aquatic habitat mitigation for the entire UON Project, USACE will improve habitat for fish and invertebrates within the Montgomery Slough through placement of brush reefs, consisting of large woody debris, in a 3.0-acre area of the Montgomery Slough (PADEP File: EA0405223-002). The Montgomery Slough is an embayment of the Ohio River, which is located just upstream of the Montgomery Dam. The project site is located in the Ohio river, at river mile 31.7, off of Montgomery Dam Road (Midland, PA USGS topographic quadrangle; N: 40°, 38', 54.55"; W: -80°, 23', 7.29"; sub-basins 20b and 20d; USACE Pittsburgh. Application received: July 11, 2023. Issued: June 28, 2024.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG291224001-00**
Applicant Name **Seneca Resources Co LLC**
Contact Person Douglas Kepler
Address 51 Zents Boulevard

City, State, Zip Brookville, PA 15825
Township(s) Shippen Township
County **Cameron County**
Receiving Stream(s) and Classification(s) Bobby Run (EV, MF)
Application received: May 5, 2024
Issued: July 3, 2024

ESCGP # 3 **ESG290824010-00**
Applicant Name **Chesapeake Appalachia LLC**
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
Township(s) Terry Township
County **Bradford County**
Receiving Stream(s) and Classification(s) Watercourse D (INT) to Trib # 29592 Susquehanna River (CWF, MF), Trib # 29592 to Susquehanna River (CWF, MF), Susquehanna River (WWF, MF)
Application received: May 20, 2024
Issued: July 5, 2024

ESCGP # 3 **ESG295923017-01**
Applicant Name **Seneca Resources Co LLC**
Contact Person Douglas Kepler
Address 51 Zents Boulevard
City, State, Zip Brookville, PA 15825
Township(s) Covington Township and Richmond Township
County **Tioga County**
Receiving Stream(s) and Classification(s) Canoe Camp Creek (CWF, MF), Unnamed Tributarys to Tioga River (CWF, MF)
Application received: May 22, 2024
Issued: July 8, 2024

ESCGP # 3 **ESG290824012-00**
Applicant Name **Blackhill Energy LLC**
Contact Person Matt Pitts
Address 4600 J Barry Court, Suite 320
City, State, Zip Canonsburg, PA 15317
Township(s) Springfield Township
County **Bradford County**
Receiving Stream(s) and Classification(s) UNT to Mill Creek (TSF, MF)
Application received: May 31, 2024
Issued: July 9, 2024

Southwest District: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP # 3 **ESG073022016-02**
Applicant Name **DTM Appalachia Gathering LLC**
Contact Person John Dzurko, (412) 721-7429
john.dzurko@midstream.com
Address 650 Ridge Road
City, State, Zip Wayneburg, PA 15370
Township(s) Jefferson Township
County **Greene County**
Receiving Stream(s) and Classification(s) 001. Lat 39.89433, Long -80.08395, Unt to Muddy Creek, Ch 93 class WWF 002. Lat 39.89303, Long -80.08821, Unt to Muddy Creek, Ch 93 class WWF 003. Lat 39.89606, Long -80.08662, Unt to Muddy Creek, Ch 93 class WWF 004. Lat 39.89529, Long -80.08551, Unt to Muddy Creek, Ch 93 class WWF
Application received: March 10, 2024
Issued: July 3, 2024

**STORAGE TANKS
SITE-SPECIFIC INSTALLATION PERMITS**

The Following Storage Tank Site-Specific Installation Permit(s), Under the Authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and Under 25 Pa. Code Chapter 245, Subchapter C, Have Been Issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Application No. **24005**
Applicant Name **Air Products and Chemicals, Inc.**
Address 1940 Air Products Blvd
City, State, Zip Allentown, PA 18106
County **Lehigh County**
Municipality Hanover Township
Tank Type Two ASTs storing petroleum products
Tank Capacity 40,000 gallons total
Application Received April 29, 2024
Permit Issued July 2, 2024

**CORRECTIVE ACTION UNDER
ACT 32, 1989**

PREAMBLE 2

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

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

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

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Blakeslee Plaza, Storage Tank Facility ID # 13-37366, 32 Blakeslee Boulevard Drive East, Lehigh- ton, PA 18235, Lehigh- ton Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Blakeslee Plaza, Inc., 955 Mount Bethel High- way, Bangor, PA 18013, 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 stan- dards.

Blue Mountain Travel Plaza, Storage Tank Faci- lity ID # 54-37318, 511 Route 61 South, Schuylkill Haven, PA 17972, North Manheim Township, **Schuylkill County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of Blue Mountain Travel Plaza, 1312 Foxview Drive, Bethlehem, PA 18017, submit- ted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting Statewide health standards.

Clarks Summit, Storage Tank Facility ID # 35-20610, 101 North State Street, Clarks Summit, PA 18411, Clarks Summit Borough, **Lackawanna County**. CT Consultants, 1915 North 12th Street, Toledo, OH 43604, on behalf of CVS, One CVS Drive, Woonsocket, RI 02895, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the reme- dial actions for meeting site-specific standards.

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

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

Schlosser Steel, Storage Tank Facility ID # 46-40669, 2641 Township Line Rd, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. CMI, 2750 Morris Road, Suite A101, Lansdale, PA 19446, on behalf of Schlosser Steel, Inc., 2641 East Township Line Road, Hatfield, PA 19440, submitted a Remedial Action Comple- tion Report concerning remediation of groundwater con- taminated with unleaded gasoline and diesel fuel. The report is intended to document the remedial actions for meeting residential Statewide health standards.

Chestnut Sunoco, Storage Tank Facility ID # 51-21100, 4600 Chestnut St., Philadelphia, PA 19139, City of Philadelphia, **Philadelphia County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Sannet, Inc., 5 Whitesell Lane, Newtown, PA 18940, 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.

Tyson Citgo, Storage Tank Facility ID # 51-43349, 6962 Frankford Avenue, Philadelphia, PA 19135, City of Philadelphia, **Philadelphia County**. Petrodi LLC, 543 Oakshade Road, Shamong, NJ 08088, on behalf of Knight's Properties, 1328 Jacob Drive, Yardley, PA 19067, submitted a Remedial Action Completion Report concern- ing remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document the remedial actions for meeting nonresiden- tial Statewide health and 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 description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

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

DEP has received the following plans and reports.

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.

Hartwells Garage, Storage Tank Facility ID # 09-41939, 2307 Bristol Pike, Croydon, PA 09001, Bristol Township, **Bucks County**. Interstate Consulting & Energy Inc., 850 Lingo Drive, Warminster, PA 18974, on behalf of JRZ LLC, 451 Magnolia Ave., Croydon, PA 19021, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The report demonstrated attainment of the nonresidential Statewide health standards and was approved by DEP on July 2, 2024.

Sunoco 80006490, Storage Tank Facility ID # 51-30577, 9000 Roosevelt Blvd., Philadelphia, PA 19115, City of Philadelphia, **Philadelphia County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action

Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline, diesel fuel, and used motor oil. The report demonstrated attainment of the nonresidential Statewide health and site-specific standards and was approved by DEP on July 3, 2024.

[Pa.B. Doc. No. 24-1023. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Aggregate Advisory Board; Regulatory, Legislative and Technical Committee Meeting

The Aggregate Advisory Board's (Board) Regulatory, Legislative and Technical Committee will meet on July 29, 2024, from 10 a.m. to 12 p.m., in the Susquehanna Conference Room, Department of Environmental Protection Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are required 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, 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 "Aggregate Advisory Board," then "2024").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the July 29, 2024, 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.

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-1024. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Final TGD: Substantive Revision

DEP ID: 391-3120-001. **Title:** Guidance for Filter Plant Performance Evaluations. **Description:** This TGD contains guidance and procedures developed to direct and support Department staff's implementation of the requirements of the Department's Surface Water Treatment Rule through the Department's Safe Drinking Water Program. The revisions to this TGD are intended to update the existing TGD of the same title and ID number, which was finalized at 48 Pa.B. 3811 (June 23, 2018). Changes in this revised TGD compared with the existing final TGD include minor and major revisions to accurately reflect the current Filter Plant Performance Evaluation (FPPE) process and to maintain consistency with current safe drinking water regulations that affect surface water and groundwater under the direct influence of surface water treatment plants. This revised TGD includes guidance pertaining to regulatory requirements that went into effect since the existing TGD was finalized, including

guidance related to continuous individual filter effluent and combined filter effluent monitoring and recording, automated alarms and shutdowns, Giardia log inactivation calculations and reporting and the filter bed evaluation program. Additionally, the revised TGD includes new guidance related to FPPEs conducted at plants using ultraviolet and ozone treatment. Previous FPPE guidance related to the use of the microscopic particulate analysis and particle counters was removed from this revised TGD as these evaluation tools are no longer used during onsite FPPEs. An FPPE timeline was added to give Department FPPE staff a realistic perspective of the amount of time needed for completing each FPPE task. The FPPE optimization goals table was also expanded to include additional water quality parameters, treatment process and treatment types. The Department published notice of a draft of this TGD at 53 Pa.B. 7338 (November 25, 2023) for a 30-day comment period. There were no comments received during the public comment period on the draft TGD. Only minor formatting edits were made in the final TGD compared with the draft TGD. To access the final TGD, visit the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ and select "Technical Guidance Final Documents," then "Safe Drinking Water," then look for the title and ID number previously noted for this TGD.

Contact: Questions regarding this TGD should be directed to Kevin Anderson at (717) 783-9764 or keanderson@pa.gov.

Effective Date: July 20, 2024

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-1025. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Home Care Agencies and Home Care Registries; Requests for Exceptions

The following request for exception relates to regulations governing Home Care Agencies and Home Care Registries licensure under 28 Pa. Code §§ 611.1—611.57 (relating to home care agencies and home care registries). The following agency has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license home care agencies and home care registries under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b).

<i>License #</i>	<i>Facility Name</i>	<i>Address</i>	<i>Regulation</i>
79193601	Bayada Home Health Care, Inc.	600 Willowbrook Lane Suite 618 West Chester, PA 19382	28 Pa. Code § 611.51(a)(1) (relating to hiring or rostering of direct care workers)

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Home Health, 2525 North 7th Street, Harrisburg, PA 17110, (717) 783-1379, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail or e-mail to the Division at the previously listed contact information. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1026. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Home Health Agencies; Requests for Exceptions

The following requests for exceptions relate to regulations governing Home Health Agencies licensure under 28 Pa. Code Chapter 601 (relating to home health care agencies). The following agencies have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license home care agencies and home care registries under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b).

<i>License #</i>	<i>Facility Name</i>	<i>Address</i>	<i>Regulations</i>
02450501	Maxim Healthcare Services, Inc.	672 South River Street Suite 102 Plains, PA 18705	28 Pa. Code § 601.35(c) (relating to home health aide services)
03830501		3512 Concord Road York, PA 17402	28 Pa. Code § 601.6 (relating to definitions) specifically home health care agency 28 Pa. Code § 601.21(b) (relating to organization, services and administration) 28 Pa. Code § 601.35(c)
05580501		1 Belmont Avenue Suite 800 Bala Cynwyd, PA 19004	28 Pa. Code § 601.35(c)
77890501		2550 Interstate Drive Suite 200 Harrisburg, PA 17110	28 Pa. Code § 601.6 28 Pa. Code § 601.21(b) 28 Pa. Code § 601.35(c)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Home Health, 2525 North 7th Street, Harrisburg, PA 17110, ra-dhhomehealth@pa.gov or ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail or e-mail to the Division at the previously listed contact information. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Home Health at (717) 783-1379, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1027. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.12(f.1)(3) and (i)(2) (relating to nursing services):

Pleasant Acres Rehabilitation and Nursing Center
118 Pleasant Acres Road
York, PA 17402
FAC ID # 250102

Rosewood Rehabilitation and Nursing Center
401 University Drive
Schuylkill Haven, PA 17972
FAC ID # 701002

Wyomissing Health and Rehabilitation Center
1000 East Wyomissing Boulevard
Reading, PA 19611
FAC ID # 232202

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 Facil-

ities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

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

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

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

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1028. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Achieving Better Care by Monitoring All Prescriptions; Cancellation of July Meeting

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40), has canceled the previously scheduled July 23, 2024, meeting.

For additional information, contact the Clerical Supervisor of the Drug Surveillance and Misuse Prevention Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (844) 377-7367, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1029. Filed for public inspection July 19, 2024, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board; Carlino East Brandywine, LP; Doc. No. PWAB-2G-2024

Notice to Potential Interested Parties

This serves to provide notification, under 34 Pa. Code § 213.8(e) (relating to grievances arising from administration of the act), that the Prevailing Wage Appeals Board (Board) received a grievance in the previously

referenced matter regarding application of the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17) to the East Brandywine Shopping Center Development project in Chester County. A copy of this grievance can be obtained by contacting Gina Meckley, Administrative Assistant to the Board, (717) 783-9276, gmeckley@pa.gov.

Persons claiming a right to intervene or an interest of the nature that intervention is necessary or appropriate to the administration of the act, should file a petition to intervene under 1 Pa. Code §§ 35.27—35.32 (relating to intervention) by Monday, August 5, 2024.

Petitions to intervene shall be filed electronically with Gina Meckley, Administrative Assistant to the Board, at gmeckley@pa.gov. Copies of all petitions to intervene shall be served on counsel of the parties of record as follows:

<i>Carlino East Brandywine, LP</i>	<i>Bureau of Labor Law Compliance</i>
Pamela M. Tobin, Esquire	Justin Romano
Kaplin Stewart Meloff Reiter & Stein, PC	Deputy Chief Counsel
910 Harvest Drive	Office of Chief Counsel
P.O. Box 3037	Department of Labor and Industry
Blue Bell, PA 19422	651 Boas Street
ptobin@kaplaw.com	10th Floor
	Harrisburg, PA 17121
	jusromano@pa.gov

Answers to petitions to intervene shall be filed electronically with Gina Meckley, Administrative Assistant to the Board, at gmeckley@pa.gov by Thursday, August 15, 2024.

NANCY WALKER,
Secretary

[Pa.B. Doc. No. 24-1030. Filed for public inspection July 19, 2024, 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>
11-262	Insurance Department Insurance Producers 54 Pa.B. 2492 (May 11, 2024)	06/10/24	07/10/24

Insurance Department Regulation # 11-262 (IRRC # 3398)

Insurance Producers

July 10, 2024

We submit for your consideration the following comments on the proposed rulemaking published in the May 11, 2024 *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 Insurance Department (Department) to respond to all comments received from us or any other source.

1. Compliance with Executive Order 1996-1.

In drafting and promulgating new regulations and the application and review of existing regulations, agencies must adhere to the principle that “Compliance shall be the goal of all regulations.” This regulation is not written or organized in a fashion that would enable an applicant to easily determine the requirements for initial or contin-

ued licensure. For example, Sections 37a.7(a) (relating to General application requirements) and Section 37a.10(a) (relating to Business entity license) instruct the applicant to follow the procedures in the statute pertaining to license prerequisites, application procedures, and business entity applications, respectively.

Our concern with this approach is that compliance relies on an individual's ability to navigate both the statute and the regulations to fully comprehend the requirements of the act. Compliance is more likely achieved when the public has access to a comprehensive set of regulations, written in concise, non-technical language, that details the requirements of the law.

Additionally, there are several statutory provisions that are not addressed in the rulemaking. These include:

- Section 606.1A (Change of home state);
- Section 609-A (Temporary licensing);
- Section 610-A (Reciprocal licensing);
- Section 614-A (Reciprocity);
- Section 678-A (Licensee reporting of misconduct); and
- Schedule of fees.

We question why these sections mentioned above, and a schedule of fees are not part of the rulemaking. The Department should explain, in the Preamble to the final regulation, how it evaluated which provisions of Act 147 of 2002 (act) would be addressed in the rulemaking. For those provisions not included in the rulemaking, the explanation should detail how their exclusion assists the regulated community with compliance and is in the public interest.

2. Section 37a.2. Principal place of business and residence.—Clarity.

The Preamble describes the purpose of this section as clarifying how the terms “principal place of business” and “principal place of residence” should be determined throughout the act. Currently, these terms do not appear in the regulatory language of the Annex and therefore are not contained in the Definitions section. We suggest the statutory context for these two terms be included in the body of the regulation and the terms relocated to the Definitions section in the final rulemaking.

3. Section 37a.6. Administration of examination.—Clarity.

Section 37a.6(a)(5) requires a testing vendor to provide “[a] comprehensive brochure describing fees, the nature of examination questions and giving sample questions shall be prepared by the vendor and be available to applicants before or at the time of registration for examination upon request at any time.” Can this brochure be available in a downloadable electronic format? If so, we suggest the final-form regulation be amended to reflect that option.

4. Section 37a.7. General application requirements.—Clarity.

The act requires the Insurance Commissioner to license insurance producers in accordance with the act and approve and administer the preexamination program. 40 P.S. §§ 310.1, et seq. A preexamination education program approved by the Department shall include no less than three credit hours on ethics. Additionally, the act requires an applicant to complete a minimum of 24 credit hours of approved preexamination courses. The act also provides for exemptions from the preexamination education and examination requirements, depending on the type of professional designation held or the line of authority

requested. 40 P.S. §§ 310.2(a) and 310.4(b). The Department should include these requisites in the final rulemaking or explain how their omission benefits the regulated community in achieving compliance.

5. Section 37a.8. Completion of application and renewal forms.—Clarity.

Subsection (c) states that:

“If the applicant fails to provide the requested information under subsection (b), the applicant will be notified that the *department may close the application if the information is not provided within a specified period*. The closure of an application may require the applicant to retake the required test or tests if the test scores have expired or to resubmit their fingerprints. *A new license application and fee may be required upon the department's request*. Application fees are nonrefundable under section 605-A(c) of the act (40 P.S. § 310.5(c)).” (Emphasis added.)

We believe this section would be improved by specifying a time period in which the regulated community can expect an application to be closed if information is not provided to the Department. We encourage the Department to review the Department of State Bureau of Professional and Occupational Affairs' policy on deemed withdrawn applications. Under a recent proposal of the State Board of Veterinary Medicine, an application submitted to the Board will be active for a period of 12 months from the date the application fee is paid by the applicant. If an application is not completed within 12 months, it will be deemed withdrawn.

Subsections (d) and (e)

These subsections are redundant and should not be included in the final version of this regulation. Proposed Section 37a.16(a)(3) (relating to Standards for denial of license and enforcement actions) addresses this issue. It states that the Commissioner may deny an application for license if the applicant has committed an act prohibited under section 611-A of the act. Specifically, Section 611-A(1) of the act provides that “[a] licensee or applicant for insurance producer license shall not provide incorrect, misleading, incomplete or false information to the department in a license application.” 40 P.S. § 310.11(1).

6. Section 37a.9. License renewals.—Clarity; and Implementation procedures.

This section is proposed to provide detail regarding the renewal process by specifically indicating that individual insurance producer licenses be renewed biennially based on the last day of the producer's month of birth. This provision also clarifies that the initial cycle may vary from subsequent cycles to coincide with the birth month and that business entity licenses are renewed biennially based on the date of license issuance.

Section 608-A of the act requires a licensee to complete 24 credit hours of approved continuing education for each two-year license period as a condition for license renewal unless modified by the department by regulation. It also provides for continuing education exemptions, lapses in licensure, and extenuating circumstances. Renewal fees for resident, nonresident, and lapsed licenses are established in this section of the act, as well. 40 P.S. § 310.8.

The Department should include these fundamental provisions regarding continuing education requirements, exemptions, lapses, and extenuating circumstances in the final version of the rulemaking or explain how the exclusion of these requirements are in the public interest.

7. Section 37a.10. Business entity license.—Clarity.*Subsection (c)*

This provision is proposed to clarify when a business entity license is required with regard to interest, voting, interest and lines of authority for owners and designated licensees. The proposed language reads in part:

“...all lines of authority of the business entity are also reflected on the licenses of the designated licensee or licensees thereof.”

The IFP writes that the proposed language suggests that each individual licensee must be licensed for all lines of authority for which the business entity is licensed. Section 604-A(b) of the act reads that “[u]pon designating one or more individuals licensed under this act to be responsible for the business entity’s compliance with the insurance laws and regulations of the Commonwealth, a business entity may apply to the department for an insurance producer license for the same lines of authority held by the designated licensees.” 40 P.S. § 310.5(b).

IFP is concerned that a reasonable interpretation of the new language may require that each individual licensee must maintain all lines of authority for which the business entity is authorized. Additionally, IFP believes that the proposed language conflicts with the first sentence in proposed Section 37a.10(d) which reads:

“A combination of licenses of the designated licensees must include all the lines of authority held by the business entity.” (Emphasis added).

We agree with IFP’s request to have the Department consider striking the last phrase of Section 37a.10(c) or conform it to the first sentence of Section 37a.10(d), which establishes that a business entity must be licensed and maintain the combined lines of authority of its designated producers.

8. Section 37a.12. Lines of authority.—Clarity.

The Preamble states that this section is proposed to clarify that a business entity can only sell lines of authority in which the business entity itself is licensed and sets for the procedure for applying for additional lines of authority, including exemption from the preexamination education requirements. We believe it would be beneficial to the regulated community if the lines of authority were included in the final regulation.

9. Section 37a.13. Name on license.—Clarity.*Subsection (b)*

Under this provision, “[a] licensee that seeks to use a name that does not readily identify the licensee shall do all of the following:

- (1) Register the fictitious name with the Department of State.
- (2) Notify the department in the form and manner established by the department.” (Emphasis added.)

The IFP asserts that this proposed language will be a challenge for insurers wishing to appoint a producer and more importantly, may be confusing to insurance consumers. It requests the Department utilize the standard found in the Fictitious Names Act of 1982 (54 P.A.C.S. §§ 301, et seq.), to establish that a licensee, when not using a proper name, must use a fictitious name that is registered with the Department of State. We concur with IFP’s suggestion to utilize an existing standard when registering fictitious names to eliminate confusion by the public and regulated community.

10. Section 37a.14. Notice of action under 1 Pa. Code § 35.14 (relating to orders to show cause)—Clarity.

This section provides for notices of a formal hearing for matters related to orders to show cause by the Department. We recommend that this section be relocated to or incorporated in sections of the regulation where such notices would be served. Additionally, relocating this provision would allow the two sections (Sections 37a.13 and 37a.15) pertaining to notifications regarding name changes (individual insurance producers and business entity) to flow sequentially.

11. Section 37a.15. Changes, sale and dissolution.—Clarity.

Proposed Section 37a.15(a)(2) requires a business entity to notify the Department within 30 business days, the Department when “a change of the personnel affecting the designated licensees” occurs. Under Section 601-A of the act, a “designated licensee” is defined as “[a]n individual who is licensed by the Insurance Department as an insurance producer and who is designated by the business entity to be responsible for the business entity’s compliance with the insurance laws and regulations of this Commonwealth.” The proposed language in § 37a.15(a)(2) is overly broad. It should be revised in the final regulation to specify the types of personnel for which a change affecting the designated licensee would trigger a notice being sent to the Department.

12. Section 37a.19. Exclusive general agents.—Clarity.

Sections 631-A, and 632-A of the act establish the requirements for licensure and application as an exclusive general agent including the criteria, license fee, and term. 40 P.S. §§ 310.31 and 310.32. We believe the readability of this section would be enhanced if the statutory requirements were reiterated in the rulemaking. Unlike the insurance producer licenses (individual/business entity) which renew biennially (Section 37a.9), the exclusive general agents license term is for a period of not more than one year and imposes a \$100 fee (unless modified by the Department by regulation). These distinctions between the classes of applicants should be made clear in the final-form regulations.

13. Section 37a.20. Representation of insurer or consumer.—Clarity; and Protection of the public health, safety and welfare.*Subsection (a)*

Under this subsection, when an insurance producer acting as the representative of the consumer is authorized by the client to secure insurance, the producer is considered the legal agent of the client. Section 671-A(b) of the act requires an insurance producer acting on behalf of or representing an insurance consumer to execute a written agreement with the insurance consumer prior to representing or acting on their behalf that: (1) delineates the services to be provided; and (2) provides full and complete disclosure of the fee to be paid to the insurance producer by the insurance consumer. 40 P.S. § 310.71(b). We believe the statutory requirements of the written agreement should be incorporated in the final regulation because it is an important consumer protection.

Subsection (b)

The IFP disagrees that a premium payment by a consumer to a producer representing the consumer “is implied” to the insurer. A producer who represents a consumer that has no contractual relationship with the

insurer, is not appointed by the insurer, and has no access to the entity's internal billing/payment process should not be held responsible for an unaffiliated producer's actions/omissions. It requests that the Department amend the final-form regulation by striking the following phrase: “, and, since collection of the premium is implied, payment to the producer shall be payment to the entity.” We concur with IFP's suggestion to strike this phrase in the final rulemaking as it is nonregulatory language.

14. Section 37a.21. Appointments and termination of appointments.—Clarity; and Implementation procedures.

Subsection (a)

Under Subsection 37a.21(a)(1), the IFP suggests that the provision be amended to clarify that appointments must be in writing. It seeks further clarification from the Department, on “in writing” and whether that covers electronic documentation and signatures under the Uniform Electronic Transaction Act. We agree with this suggestion and will review the Department's response to IFP.

Section 37a.21(a)(3) states that “[a]n insurer appointment form shall be submitted by the insurer in a form and format approved by the department and must contain the following information. . .” As suggested by the IFP, the phrase “in a form and format approved by the department” is unnecessary since the “Monthly Appointment Activity Form,” (included in Appendix A of the regulatory package), is already approved and in use by the Department. We also suggest that the regulatory language in this section be revised to specify a time frame for submitting the form to the Department.

Subsection (b)

Proposed Section 37a.21(b)(1) requires that “[t]erminations shall be in writing and sent to the insurance producer prior to or contemporaneously with notification of termination to the department.” The IFP asks the Department to clarify, in the final-form regulation, that when a business entity is terminated, the insurer would be compliant with this section by sending one termination notice to the business entity that would include all licensed producers appointed under the business entity appointment. We agree with the IFP that clarifying the insurer notification requirements, under this subsection, would benefit the regulated community with compliance. The Department should specify in the final regulation how termination notifications under this subsection will be implemented.

In Paragraph (5), an insurer shall maintain termination records for a period of 5 years after termination is effective. The Department, in the Preamble to the final-form regulation, should explain the rationale and need for the differences in the record keeping requirements for insurers and those of licensees as proposed in Section 37a.25.

Paragraph (6) of this subsection reads: “When a termination of an appointee is for cause, the insurer shall document its reasons for termination and send the paperwork electronically to the attention of the department's Chief of Enforcement.” Sections 671.1-A(c)—(e) of the act provides for ongoing notification, notification to licensee, including an opportunity for the licensee to file written comments, and reporting violations. 40 P.S. § 310.71a(c)—(e). The final rulemaking should include these provisions, or the Department should explain why it is unnecessary to include them and detail how their exclusion is in the public interest.

Section 671-A(d) of the act states that “[o]nce appointed, an insurance producer shall remain appointed by an insurer until such time as the insurer terminates the appointment in writing to the insurance producer or *until the insurance producer's license is suspended or revoked or otherwise terminated.*” (Emphasis added.) 40 P.S. § 310.71(d). We believe this is an important caveat that should be clarified in the final-form regulation.

15. Section 37a.24. Enforcement.—Clarity; and Implementation procedures.

Proposed Subsection (c) states: “If a licensee fails to respond to an inquiry as set forth in subsection (a), the department may file an order to show cause against the licensee on that basis seeking the penalties under section 612-A(b) of the act (40 P.S. § 310.12.(b)) of a fine of no more than \$100 per day in addition to the denial, suspension or revocation of a license.” Proposed subsection (a) requires an insurance producer to, within 30 days of receiving a written inquiry by the Department or request for documentation related to an application or renewal of license or an investigation, provide a response or produce the requested documents.

Section 612-A (relating to Failure to respond or remit payment) of the act reads:

“(a) *Response.*—A licensee who fails to provide a written response to the department within 30 days of receipt of a written inquiry from the department or who fails to remit valid payment for all fees due and owing to the department shall, after notice from the department specifying the violation and advising of corrective action to be taken, correct the violation within 15 days of receipt of the notice.

(b) *Correction.*—If a licensee fails to correct the violation within 15 days of receiving notice, the department may assess an administrative fine of no more than \$100 per day per violation.”

40 P.S. § 310.12.

We have two issues. First, the proposed regulatory language does not include the statutory 15-day time frame from receipt of the notice specifying the violation and corrective action. Second, is it the intent of the Department to elevate a request for documentation related to an application or renewal of license to the same level of violation as for those related to an investigation?

16. Section 37a.25. Recordkeeping.—Clarity.

This section requires licensees to maintain and retain all documents pertaining to the licensee's transaction of the business of insurance for 7 years from the final execution or creation of the record, whichever is longer. The 7-year window is the minimum retention period and may require a longer period if imposed by a contractual agreement, the Internal Revenue Service, an applicable statute of limitations, law, regulation or policy of the Department, or any other state or federal regulatory agency. Section 37a.21(b)(5) requires an insurer to maintain termination records for 5 years after the termination is effective. Since the proposed language only addresses excesses over the 7-year period, the Department should either revise this section to provide for an exception regarding termination records or make the two provisions consistent with one another.

17. Economic or fiscal impacts.

The Department states, in the Preamble and its responses to Regulatory Analysis Form (RAF) Questions # 17, 19, and 23, that the proposed regulation, formalizing

changes that were implemented over twenty years ago, does not have any known fiscal impact to the Commonwealth, regulated community, public, or local governments.

The act authorized several fees that the Department implemented. These include biennial license fees for initial licensure, license renewal (individual and business entity), and a lapsed license renewal fee for resident and nonresident insurance producers. The law also provides for an annual appointment fee, and fee for adding a line of authority to a license. We ask the Department to provide an estimate of costs for implementing this regulation by updating its responses to the RAF and the fiscal impact section of the Preamble.

18. Miscellaneous.—Clarity.

- Section 37a.3 (relating to Purpose) is not necessary but if it is retained in the final version of the regulation, it should be placed first.

- In §§ 37a.13, 37a.15, and 37a.21 and 37a.23, the Department should review its use of the phrase “in the form and manner established by the Department” and similar language to determine if they are necessary. If they are not, the phrases should be deleted in the final regulation. If they are necessary, the Department should, where possible, specify what items are to be included.

- The Department should make certain that the Preamble to the final-form regulation description of the proposed amendments, particularly the Section numbers, are correct and aligned with the official version published in the *Pennsylvania Bulletin*. Additionally, some hyperlinks included in Appendix A (List of Forms) are not available/working. The final regulatory package should include working links.

[Pa.B. Doc. No. 24-1031. Filed for public inspection July 19, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Elijah Caileb Ewing; License Denial Appeal; Doc. No. AG24-06-027

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Elijah Caileb Ewing 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 and 701—704 (relating to Administrative Agency Law), §§ 561—588 (relating to administrative proceeding interpreters for persons with limited English proficiency; and administrative proceeding interpreters for persons who are deaf), 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 August 16, 2024, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 14, 2024. 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 August 2, 2024. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. An-

swers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before August 14, 2024.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1032. Filed for public inspection July 19, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

First Priority Life Insurance Company; Rate Increase Filing for FPLIC Small Group Transitional Comprehensive Major Medical Policies (GHM-134165875); Rate Filing

First Priority Life Insurance Company is requesting approval to increase the premium an aggregate 9.9% on 16,209 policyholders with small group transitional comprehensive major medical health policies.

Unless formal administrative action is taken prior to September 24, 2024, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 20 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1033. Filed for public inspection July 19, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized under section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8), in connection with the termination of the insured’s homeowners policy. The proceedings will be governed in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); §§ 561—588 (relating to administrative proceeding interpreters for persons with limited English proficiency; and administrative proceeding interpreters for persons who are deaf); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for August 13, 2024, at 11 a.m. Each

party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 9, 2024.

The hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Vineet Talpade; Privilege Underwriters Reciprocal Exchange; File Nos. 24-114-296363, 24-114-296364 and 24-114-296365; Doc. No. P24-07-001; August 22, 2024, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1034. Filed for public inspection July 19, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized under section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8), in connection with the termination of the insured's homeowners policy. The proceedings will be governed in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); §§ 561—588 (relating to administrative proceeding interpreters for persons with limited English proficiency; and administrative proceeding interpreters for persons who are deaf); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for August 20, 2024, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 16, 2024.

The hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Patricia Wolfe; Erie Insurance Exchange; File No. 24-116-292020; Doc. No. P24-07-014; September 17, 2024, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner)

will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1035. Filed for public inspection July 19, 2024, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-24-014, Dated May 30, 2024. Authorizes an agreement between the Commonwealth of Pennsylvania and AFSCME to incentivize employees assigned to certain Maintenance and Trade job classifications within the Department of Transportation in order to improve recruitment and retention. The agreement provides applicable employees with either a pay level adjustment or a one-time lump sum payment under certain conditions.

Resolution No. CB-24-015, Dated June 13, 2024. Authorizes the agreement with FOSCEP Labor (C4), effective 7/1/2023 through 6/30/2027.

Resolution No. CB-24-016, Dated June 13, 2024. Authorizes the Memorandum of Understanding (C5), effective 7/1/2023 through 6/30/2027.

AMY J. MENDELSON,
Director

Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 24-1036. Filed for public inspection July 19, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a

common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 5, 2024. 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 August 5, 2024. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the docket number as follows or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2024-3045889. (Revised) Time Away Transportation Services, LLC (19 Sunny Lane, Beach Lake, Wayne County, PA 18405) in airport transfer service, from points in the Counties of Lackawanna, Luzerne, Pike and Wayne, to the Wilkes-Barre Scranton International Airport and the Lehigh Valley International Airport, and vice versa.

A-2024-3047494. AAME Transportation, LLC (21 Black Oak Court, Stewartstown, York County, PA 17363) in paratransit service, from points in the Counties of Cumberland, Dauphin, Lancaster and York, to points in Pennsylvania, and return. *Attorney:* Benjamin C. Dunlap, Jr., 240 North 3rd Street, 7th Floor, Harrisburg, PA 17101.

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-2024-3049855. Howard Hendrickson (204 Schoolhouse Road, Kirkwood, Lancaster County, PA 17536) for the discontinuance and cancellation of the right, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return, as originally Docketed at A-00123717.

A-2024-3049953. Goldmark Transportation, LLC (1040 Skyline Drive, Canonsburg, Washington County, PA 15317) for the discontinuance and cancellation of its right, to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority, as originally Docketed at A-2022-3031802.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1037. Filed for public inspection July 19, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Valuation of Acquired Municipal Water & Wastewater Systems—Act 12 of 2016 Implementation

Public Meeting held
June 13, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

Valuation of Acquired Municipal Water & Wastewater Systems—Act 12 of 2016 Implementation;
M-2016-2543193

Final Supplemental Implementation Order

By the Commission:

On April 14, 2016, former Governor Tom Wolf signed Act 12 of 2016 (Act 12), which amended Chapter 13 of the Public Utility Code (Code) by incorporating a new section: Section 1329, 66 Pa.C.S. § 1329. Specifically, Section 1329 of the Code establishes a procedure for an acquiring public utility or entity (acquiring utility) and a municipal corporation or authority (selling utility) to use fair market value (FMV), instead of depreciated original cost, when the acquiring utility purchases a water system or wastewater system located in the Commonwealth. Following passage of Act 12, the Commission issued a series of Implementation Orders to assist in the administration of Section 1329.¹ To date, the Commission has received approximately 27 applications filed under Section 1329.

Recently, Act 12 has elicited significant interest from the public and policy makers alike. Numerous pieces of legislation have been introduced in the Pennsylvania General Assembly proposing to amend Section 1329.² Further, hearings have been recently held by the House Consumer Protection, Technology and Utilities Committee and the Senate Democratic Policy Committee to discuss this topic.³ The Commission has submitted official testimony and participated in both.

Given the experience gained by the Commission since our last Final Supplemental Implementation Order in 2019, we determined that it is appropriate to amend our procedures and guidelines to better inform the interested public of Section 1329 applications, to standardize the weights utilized by the utility valuation experts (UVEs), and to provide the Commission with measures to interpret the reasonableness of acquisition prices. Thus, on February 7, 2024, we entered a Tentative Supplemental Implementation Order (2024 TSIO) that included four revisions to the Commission's existing Section 1329 procedures. The 2024 TSIO was published in the *Pennsylvania Bulletin* on February 17, 2024. See 54 Pa.B. 906. We invited stakeholders to file comments within 30 days of publication, by March 18, 2024, and reply comments within 45 days of publication, by April 2, 2024.

¹ The Implementation Orders include the Tentative Implementation Order entered July 21, 2016 (2016 TIO), Final Implementation Order entered October 27, 2016 (2016 FIO), Tentative Supplemental Implementation Order entered September 20, 2018 (2018 TSIO), and Final Supplemental Implementation Order entered February 28, 2019 (2019 FSIO), at Docket No. M-2016-2543193.

² These bills include, but are not limited to, HB 626, HB 627, HB 628, HB 629, HB 1205, HB 1308, HB 1862, HB 1863, HB 1864, HB 1865, SB 432, and SB 866.

³ The House Consumer Protection, Technology and Utilities Committee Hearing was held on December 12, 2023, and the Senate Democratic Policy Committee Hearing was held on January 22, 2024.

We received comments from: (1) municipalities, municipal authorities, and municipal associations,⁴ including the Township of Warwick (Warwick); the Pennsylvania State Association of Boroughs (PSAB); the Elizabeth Borough Municipal Authority (EBMA), the Borough of Brentwood (Brentwood); the Pennsylvania Municipal Authorities Association (PMAA); the Bucks County Association of Township Officials (BCATO); the Borough of Big Beaver (Big Beaver); Patterson Township (Patterson); the City of Beaver (Beaver); Towamencin Township (Towamencin); the Pennsylvania State Association of Township Supervisors (PSATS); the Borough of West Mayfield (West Mayfield); the Borough of Eastvale (Eastvale); the Allegheny County Boroughs Association (ACBA); and the Chester Water Authority (CWA); (2) public utilities, including Aqua Pennsylvania, Inc. (Aqua) and Pennsylvania-American Water Company (PAWC); (3) advocates, including the Pennsylvania Water Environment Association (PWEA); the Pennsylvania Office of Consumer Advocate (OCA); the Stop Predatory Water System Pricing Group (SPWSPG); the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA); and the Pennsylvania Office of Small Business Advocate (OSBA); (4) members of the legislature, including the Honorable State Senator Carolyn Comitta; the Honorable State Representative John Lawrence; and the Honorable State Representative Bryan Cutler; and (5) individuals, including William Ferguson; Peter Mrozinski; Art Schwabenbauer; Residents of New Garden Township (NGT Residents); Keith Sauer; Henry Yordan, Julie Frisora, and Robert Swift (Yordan, et al.); James Cawley; 415 Pennsylvania Residents (PA Residents); Michael Knoll; Ruth Kranz-Carl and William Carl; Barbara Weer; Kofi Osei; Richard Young; Teri D'Ignazio, Bradley Gray, Carter Gray, Timothy Lord, Timothy D'Ignazio, and Wendy Lord (D'Ignazio, et al.), and Timothy Smeltzer.

We received reply comments from: (1) public utilities, including Aqua and PAWC; (2) an advocate, namely the OCA; and (3) and individuals, including Mrozinski; Henry Yordan, et al.; Cawley; and Osei.

Discussion

After considering the comments and reply comments to the 2024 TSIO, the Commission issues this Final Supplemental Implementation Order (Order or 2024 FSIO) to improve upon the Commission's Section 1329 guidelines and processes. To the extent that we do not address a particular comment or reply comment, it has been duly considered and is not adopted without further discussion. See *Consolidated Rail Corp. v. Pa. Pub. Util. Comm'n.*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also *University of Pennsylvania v. Pa. Pub. Util. Comm'n.*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

I. The 2024 TSIO Generally

The 2024 TSIO contained four proposals to modify the Commission's existing Section 1329 guidelines and processes, including modifications for public hearings, rate impact notice, default weights for appraisals, and a reasonableness review ratio (RRR). We sought comments on each of these modifications and input regarding the timeframe to effectuate the changes. In addition to addressing these areas, a number of comments and reply comments address the nature of the 2024 FSIO, the intent of Section 1329, and the future of Act 12. Some comments and reply comments also identify pending and upcoming Section 1329 applications that commentors believe will be impacted by the 2024 FSIO. We discuss these comments and reply comments below.

⁴ We refer to these comments collectively as the "municipality comments" herein.

A. Comments On The 2024 TSIO Generally

1. Municipality Comments

a. Warwick

Warwick is concerned that for-profit companies target well-run, well-funded water and sewer authorities. Warwick states that Act 12 was intended to offer distressed communities, rather than affluent areas, the option to sell. Warwick Comments at 1.

b. PSAB

PSAB notes that boroughs have been evaluating the viability of their water and wastewater systems and that entertaining offers to sell have become more prevalent. PSAB supports allowing local governments the full ability to determine what works best for their community and that borough officials are elected to make informed and necessary decisions for constituents. PSAB explains that local governments' budgets are stretched thin, that Act 12 has allowed local governments to receive a market-based FMV for their systems, and that the FMV gives communities a more equitable way to sell municipal assets. Thus, PSAB supports this method of valuation rather than the outdated depreciated original cost method. PSAB points out that many acquisitions approved under Section 1329 allowed the selling community to make critical investments in their communities, such as eliminating municipal debt, investing in capital projects, funding their pension systems, reducing taxes or avoiding tax increases, providing improved municipal services, and funding stormwater improvements. PSAB states that Act 12 allowed the Borough of Steelton to receive a fair price for their system and, as a result, the Borough eliminated their debt service tax and restructured sewer rates such that the funding goes right back to the community. PSAB also states that the Section 1329 application process should continue as a viable option to enable municipalities to sell their systems at a price that is fair and equitable. PSAB Comments at 1—3.

c. Brentwood

Brentwood notes that municipal governments are critical because they oversee the day-to-day operation of a locale. Brentwood points out that municipal officers are elected and that local citizens have tangible ways to respond when their needs are not being met. Brentwood states that the water and wastewater hazards plaguing Pennsylvania's water systems are increasingly dangerous and avers that the 2024 TSIO threatens to make the sale of municipal water systems far more difficult. Brentwood also states that the 2024 TSIO does not serve the public and asks the Commission to reconsider it. Brentwood Comments at 2-3, 9-10.

In particular, Brentwood notes that the 2024 TSIO's pre-application requirements are a Commission overreach and represent improper usurpation of the role of a municipality's duly-elected officials. Brentwood states that many selling utilities are not public utilities as they offer and sell their wastewater treatment and collection services only to their own municipal residents and that, in these circumstances, the Commission has no authority to dictate the procurement process because it is governed by municipal codes, such as the Borough Code. Brentwood also notes that the Borough Code delineates procedures for the sale of its wastewater system, governs how Brentwood must advertise a sale to its communities, and requires municipal leaders to accept the highest bid, and that the 2024 TSIO purports to improperly override the Borough Code and constrain municipal leaders into giving their constituents only limited information about a trans-

action in the way the Commission deems appropriate. Brentwood further explains that municipal leaders are better suited to decide how to communicate with their constituents and understand problems facing their communities. *Id.* at 3—5.

Brentwood also comments that, by imposing new duties on applicants, such as additional public hearings and an affirmative declaration on rate impact, the Commission appears to intend that approval of a Section 1329 application will be conditioned on compliance with the revised Checklist. Brentwood notes that regulatory pronouncements take two forms: statements of policy and substantive regulations. Brentwood explains that policy statements are mere interpretations of existing rules and need not comply with notice-and-comment and regulatory procedures to be valid, while a substantive regulation establishes standards of conduct that carry the force of law, otherwise known as a binding norm, and that regulations are binding only if they are promulgated following notice-and-comment and regulatory procedures. Brentwood further explains that, to determine whether an agency's pronouncement is a substantive regulation or a policy statement, courts look at the language of the pronouncement, the manner of implementation, and the effect of the pronouncement on the agency. *Id.* at 5-6.

Brentwood states that, although the 2024 TSIO is framed as an amendment of procedures and guidelines that are within the Commission's purview, the actual language purports to impose binding norms. Brentwood points out that the requirement to hold at least two in-person public hearings before an asset purchase agreement (APA) is executed is not in the statute. Brentwood states that the 2024 TSIO is drafted as a substantive regulation that establishes standards of conduct, but is not a valid substantive regulation with binding force because the Commission did not follow the proper regulatory procedures. Brentwood argues that the 2024 TSIO requirements cannot be administered as prerequisites for submission and approval of a Section 1329 application because, if used as a prerequisite, courts will not hesitate to invalidate it on the ground that the agency did not use proper procedures to adopt it. *Id.* at 5-6.

d. PMAA

PMAA states that the municipal authority model is perfectly suited for providing services on a regional level. PMAA notes that a municipal authority can be created by any county, borough, city, or township. PMAA explains that an authority manages all aspects of the authority's operation via a board of directors, that authority meetings are conducted in public pursuant to the Sunshine Act, which ensures transparency, and that an authority operates only in the best interests of the communities they service. PMAA also explains that many PMAA members will be impacted by the Commission's ultimate decision regarding the 2024 FSIO. PMAA questions whether the Commission's proposals are an attempt to stop a repeal of Act 12. PMAA Comments at 1, 4.

e. BCATO

BCATO notes that it strongly opposes the efforts of Aqua to acquire the Bucks County Water and Sewer Authority sanitary infrastructure and that concerns from local government officials and ratepayers led to the termination of the acquisition. BCATO states the issues related to Act 12 involve public agencies in need of critical technical or management skills and not enabling the growth of regulated utilities in exchange for short-term financial benefits for local government. BCATO Comments at 1.

f. Beaver

Beaver notes that it owns, operates, and maintains a sanitary wastewater collection and conveyance system as well as the Beaver Falls Wastewater Treatment Plant, and that seven municipalities contribute flow to be treated at the plant. Beaver explains that, after extensive discussions with its leadership, staff, and the public, it decided to pursue a sale of the system. Beaver also explains that it conducted an evaluation to determine the qualitative and quantitative factors in reference to selling or maintaining ownership of the system. Beaver states that its careful and well-thought-out decision to sell was the result of the following considerations: Beaver wanted to exit the business of providing sanitary sewer service and focus on core governmental functions while ensuring safe and reliable service at affordable rates, to generate revenue that would help secure Beaver's financial stability, and to use the sale proceeds to help prevent Beaver from being named a distressed community by the Department of Community and Economic Development or being in Act 47 status, which could lead to receivership. Beaver explains that it issued a request for qualifications to select a pool of buyers and, after preparation and negotiation of an APA, it requested bids. Beaver Comments at 1—3.

Beaver also explains that it determined that Aqua's bid was in the best interest of Beaver and its residents and, after holding multiple public input hearings, it voted to authorize the City's solicitor to prepare an ordinance/resolution to accept Aqua's bid. Beaver notes that it held two readings of the proposed ordinance to approve the APA, provided notice to Beaver residents, and published notice in the Beaver County Times. Beaver further explains that it entered into an APA with Aqua on October 21, 2021, and authorized Gannet Flemming to prepare the FMV appraisal on June 16, 2022. Beaver notes that four contributing municipalities filed a writ of summons against Beaver in response to the anticipated sale, but that the parties engaged in mediation and reached a settlement and the matter will be discontinued upon the closing of the APA. Beaver also notes that Aqua filed its Section 1329 application with the Commission on February 17, 2023, and that Beaver personnel have spent countless hours addressing the requirements of the application and responding to discovery requests from the OCA and the Commission's Bureau of Investigation and Enforcement, and has incurred substantial costs in doing so. Beaver states that, since it is well past the negotiation stage and has an agreement in place for the sale of its system, it will be very much impacted by the 2024 FSIO. *Id.* at 2-3.

g. Towamencin

Towamencin similarly notes that it owns, operates, and maintains a sanitary wastewater collection and conveyance system as well as the Towamencin treatment plant, and that six municipalities contribute flow to be treated at the plant. Towamencin explains that, after extensive discussions with its leadership, staff, and citizens, it decided to sell the system. Towamencin also explains that it conducted an evaluation to determine the qualitative and quantitative factors in reference to selling or maintaining ownership of the system. Towamencin states that its decision to sell was the result of the following considerations: Towamencin wanted to exit the business of providing sanitary sewer service and focus on core governmental functions while ensuring safe and reliable service at affordable rates, to generate revenue that would help secure Towamencin's financial stability, and to

avoid the increasingly complex environmental challenges of operating the system. Towamencin explains that it issued a request for qualifications to select a pool of buyers, issued a request for bids, determined that NextEra Water Pennsylvania, LLC's (NextEra) bid was in the best interest of Towamencin and its residents, and voted to authorize the City's solicitor to prepare an ordinance to accept NextEra's bid. Towamencin also explains it executed an APA with NextEra on June 14, 2022, but that NextEra exited the wastewater business, and Towamencin, NextEra, and PAWC executed an Assignment and Assumption of the APA on March 23, 2023. Further, Towamencin notes that PAWC filed a Section 1329 Application with the Commission on May 16, 2023, and that PAWC and Towamencin have spent countless hours at significant cost to complete this process. Towamencin Comments at 1—3.

Towamencin states that the legislative history of Section 1329 reflects a determination by the General Assembly that FMV acquisitions of municipal wastewater systems further the public interest. Towamencin points out that the sale of wastewater systems by municipal corporations to investor-owned public utilities help facilitate necessary infrastructure improvements and ensure the continued provision of safe and reliable service to customers at reasonable rates. Towamencin also notes that the Commission has relied upon the General Assembly's determination that acquisitions of municipal wastewater systems under Section 1329 further the public interest in its decisions. Overall, Towamencin does not support the 2024 TSIO. *Id.* at 3-4, 8.

h. ACBA

ACBA comments that it generally opposes efforts to limit the authority of municipalities to manage and control matters relating to powers expressly delegated to local governments. ACBA Comments at 1.

i. CWA

CWA notes that it has been pursued by for a hostile takeover since 2017 and that for-profit utilities weaponize Act 12 and attempt to use it to boost their profits at the expense of ratepayers. CWA states that the repeal of Act 12 is imperative to prevent the exploitation of the Commonwealth's citizens, but that the legislature has avoided taking action on the request for a repeal. CWA also states that it appreciates the Commission's willingness to encourage public discussion about Act 12. CWA asks that the comments of its Chairman from the January 22, 2024 hearing regarding the unintended consequences of Act 12 be considered in this proceeding. CWA Comments at 1-2.

2. Public Utility Comments

a. Aqua

Aqua notes that Act 12 was enacted to encourage the consolidation of the highly fragmented water and wastewater industry and provides benefits to selling municipalities that may be struggling financially, the environment, the acquiring utility, and customers. Aqua also notes that Act 12 provided for a new methodology for setting the ratemaking rate base when an application for an acquisition's approval is filed with the Commission. Aqua commends the Commission for its continued initiatives to make improvements to the Section 1329 process. Aqua Comments at 2-3.

b. PAWC

PAWC states that, before considering any proposed changes to the Section 1329 process, the Commission should review and expressly acknowledge the history and

intent of Section 1329. PAWC points to several areas of the 2016 TIO, 2016 FIO, 2018 TSIO, and 2019 FSIO where the Commission discussed the General Assembly's intent with respect to Section 1329. PAWC Comments at 2—7.

First, PAWC notes that, in the 2016 TIO, the Commission explained that Section 1311(b) of the Public Utility Code, 66 Pa.C.S. § 1311(b), discourages acquisitions of water and wastewater systems owned by municipal corporations or authorities because the value of the property is defined as the original cost of construction less accumulated depreciation rather than the acquisition cost and that Section 1329 established an alternative process for ratemaking purposes for valuation to remedy this situation. The Commission also stated that Section 1329 mitigates the risk that a utility will not be able to fully recover its investment when water and wastewater assets are acquired from a municipality or authority by allowing enhanced rate base adjustments based upon the lesser of the FMV or the negotiated price. *Id.* at 3.

In addition, PAWC notes that, in the 2018 TSIO, the Commission stated that Section 1329 works to (1) provide certainty as to the value of acquired utility property; (2) remove regulatory barriers to the prudent sale of public water and wastewater assets; (3) protect a Seller from having to offer public assets for sale at below-market rates; and (4) allow a Buyer to recover market-based investment in those public assets through regulated rates. The Commission also stated that Section 1329 encourages a realistic approach to the sale of public assets based upon the FMV. PAWC points out that the Commission expressed the hope that it could set appropriate guidelines to reduce variances in FMVs and increase public confidence in purchase prices, but concluded in the 2019 FSIO that Section 1329 does not contain valuation guardrails. *Id.* at 4—7.

Moreover, PAWC notes that the Commission has considered the interplay between Section 1329 and Section 1311(c) in conjunction with Section 1329 is in the public interest because otherwise, larger viable public utilities would be discouraged from acquiring municipal water and wastewater systems and contravene the legislative intent and the Commission's policy of encouraging consolidation and regionalization. *Id.* at 7.

PAWC also addresses Commonwealth Court decisions on Section 1329, including *McCloskey v. Pa. Pub. Util. Comm'n*, 195 A.3d 1055 (Pa. Cmwlth. 2018) (*McCloskey*) and *Cicero v. Pa. Pub. Util. Comm'n*, 300 A.3d 1106 (Pa. Cmwlth. 2022) allocatur pending, Nos. 568—570 MAL 2023 (filed October 26, 2023) (*Cicero*). PAWC states that *McCloskey* requires the Commission to address rate impact when deciding whether an acquisition satisfies the affirmative public benefits test and that customers of the buyer and seller have a due process right to individualized notice of a proposed acquisition. PAWC further states that, in *Cicero*, the Commonwealth Court found the known harms of the transaction at issue outweighed the benefits, in part because the system was already providing the same or similar benefits without the rate increase that would occur if the transaction was approved. PAWC Comments at 7—9.

Moreover, PAWC addresses the results of prior Section 1329 proceedings, noting that the City of McKeesport was able to avoid insolvency by selling its wastewater system and that the City of York was able to eliminate long-standing debts, avoid significant tax increases, build a reserve, ensure customers have access to low-income grant and discount programs, and provide municipalities

with a reliable bulk treatment provider by selling its wastewater system. PAWC also notes that Section 1329 acquisitions, such as the sale of the Valley Township water treatment and distribution system and the Borough of Kane's wastewater system, have promoted regionalization and consolidation consistent with the Commission's Policy Statement at 52 Pa. Code § 69.721. PAWC states that the 2024 FSIO should not prevent similar success stories and that the legislature intended Section 1329 to be a meaningful tool for municipalities. PAWC also states that the relevant issue is whether the Commission can manage rates to be just and reasonable going forward, not whether a municipal entity is entitled to the full value of its property. PAWC suggests that the Commission recognize its statutory duty to implement Section 1329 consistent with the legislature's intent, not to change or nullify the law because only the legislature can change a statute. *Id.* at 9–11.

3. *Advocate Comments*

a. *CAUSE-PA*

CAUSE-PA comments that it is concerned with the pace and trajectory of water and wastewater acquisitions under Section 1329 and the resulting financial effects on consumers. CAUSE-PA notes that the regionalization and consolidation of water and wastewater systems can produce economies of scale, improve water quality and safety for struggling systems, and increase access to important consumer protections, but that, under Section 1329's valuation structure, these benefits have quickly given way to substantial rate impacts that exacerbate rising infrastructure and water treatment costs and threaten the ability of low and moderate income Pennsylvanians to afford life-sustaining water and wastewater services. CAUSE-PA Comments at 2.

CAUSE-PA notes that financial impacts have not been adequately conveyed to selling utilities or the public and have not been fully considered in determining whether a purchase under Section 1329 is in the public interest. CAUSE-PA states that it is particularly concerned about the impact on economically vulnerable customers, who often shoulder a disproportionately high financial burden as a result of a high-cost purchase. CAUSE-PA notes that low-income families in Pennsylvania already struggle to afford water and wastewater service and are regularly forced to make impossible tradeoffs between necessities. CAUSE-PA also states that water and wastewater services are increasingly unaffordable across the Commonwealth and that low-income families now regularly pay well more than 10% of their household income for these services alone with few programs available to help offset the cost. *Id.* at 2–5.

Moreover, CAUSE-PA points out that critical infrastructure investments needs have driven substantial rate increases, but that the acquisition of healthy and financially stable publicly-owned water and wastewater systems under Section 1329 and the full recovery of those acquisition costs through rates is also a contributing factor to the unaffordability of water and wastewater services. For example, CAUSE-PA notes that PAWC proposed to recover \$27.5 million in 2020, \$28.9 million in 2022, and \$25.9 million in 2023 from ratepayers in order to cover the cost of its acquisitions. CAUSE-PA states that Pennsylvania's investor-owned water and wastewater utilities often charge higher rates compared to municipally owned utilities, which leads to increased hardships on low-income customers when publicly-owned systems are acquired. CAUSE-PA explains that investor-owned utilities are entitled to earn a return on their investment,

which is added to the utility's rates, and that the cost of capital is often lower for municipally owned utilities, which have greater access to low or no cost municipal financing, grants, and other public funds to help pay for infrastructure projects. CAUSE-PA also explains that, when a municipally owned utility with lower residential rates is acquired by an investor-owned utility, there are often promises to shield the selling utility's customers from further rate increases for a period of time following a rate increase, but that any agreed-upon rate freeze will inevitably come to an end and the acquiring utility will eventually seek to consolidate various rate schedules into a single, unified rate—sometimes causing severe rate shock for customers of the acquired system. *Id.* at 5-6.

b. *OSBA*

The OSBA states that it is concerned regarding the size of the premiums above depreciated original cost that have been incorporated into the acquisition price of municipal wastewater systems in certain instances. The OSBA recognizes that some premiums may be necessary to effectuate the transfer of under-capitalized and underperforming municipal utility systems to investor-owned water and wastewater utilities that are better equipped in terms of management and capital to deliver safe and reliable service. The OSBA notes that the critical question is whether the size of the premium is reasonable and that premiums are a matter of public interest because customers are expected to pay for the acquisition costs through rates. The OSBA also notes that, for a municipal utility in need of new infrastructure, the inclusion of a large premium in rate base compounds challenges related to improving service in the acquired area in a cost-effective manner. Additionally, the OSBA claims that the acquisition process is fraught with perverse incentives that are contrary to the public interest because parties to Section 1329 acquisitions are incentivized to seek as high of a negotiated price as possible as long as the full acquisition price is approved for inclusion in rate base. The OSBA states that such a price does not represent a fair and genuine compromise in a normal economic sense, but is biased toward the upper end of prices. The OSBA notes that the absence of a normal economic incentive for the buyer to negotiate as low a price as possible for the asset means that the Commission cannot rely upon the negotiated price as a guide to ensuring just and reasonable rates. OSBA Comments at 1–3.

4. *Legislature Comments*

a. *Honorable Senator Comitta*

Senator Comitta comments that access to affordable service is growing out of reach for many residents and families and that, due to these concerns, Willistown Township voted to terminate an agreement to sell its sewer system. Senator Comitta states that Section 1329 is in need of meaningful reform and that she supports the Commission's willingness to revise current procedures and guidelines for Section 1329. Further, Senator Comitta notes that clean, reliable, and affordable water and wastewater service is a basic necessity for all Pennsylvanians. Comitta Comments at 1-2.

5. *Individual Comments*

a. *Mr. Mrozinski*

Mrozinski comments that Act 12 incentivizes the sale of healthy municipal utilities and that the buying utility and selling municipality are biased toward a sale, making them incapable of providing a fair cost/benefit analysis. Mrozinski argues that Act 12 has failed and should be repealed. Mrozinski Comments at 1.

b. *Mr. Schwabenbauer*

Schwabenbauer notes that his water/sewer bill from PAWC has increased over 70% in the past two or three months. Schwabenbauer notes that he is protesting the increase as excessive because he is not receiving enhanced services that account for the amount. Schwabenbauer encourages PAWC to rethink its policies and roll back price increases. Schwabenbauer Comments at 1.

c. *NGT Residents*

The NGT Residents ask the Commission to stop predatory pricing and improve transparency in water and sewer privatizations. They state that Act 12 has encouraged municipalities to sell healthy, well-run systems for an influx of money. The NGT Residents state that New Garden Township is an example of how Act 12 is being abused, noting that the Township raised rates 30% before the sale and that Aqua raised rates 85% after the sale, resulting in a 149% increase. They also note that the justification for the sale was based on vague and misleading information. NGT Residents Comments at 1.

d. *Mr. Sauer*

Sauer comments that Act 12 has allowed investor-owned private companies to take over municipal water and wastewater systems for a higher value than is fiscally responsible. Sauer states that Aqua and PAWC pay inflated prices for municipal systems and pass the costs on to ratepayers with rate increases every other year. Sauer points to Exeter Township's wastewater treatment plant as an example, noting that PAWC paid \$93.5 million for the system. Sauer states that the sale resulted in broad change, including the elimination of the homestead exemption, a 24% tax increase, and a 171% increase in combined water and wastewater bills with no tangible benefit in the product that is being delivered. Sauer includes a table to demonstrate what a family of four pays for water and wastewater service, noting that billing periods range from 27 to 35 days. Sauer states that PAWC filed for a rate increase merely 11 months after the last rate increase. Sauer also notes that other municipalities pay less per year for the same level of service. Additionally, Sauer also points to the case in Towamencin Township, where the board voted to sell and the residents are suing the board because they do not want the sale to go through. Sauer states water and wastewater is a monopoly and that Act 12 should be repealed by the legislature. Sauer Comments at 2—4, 6—15.

e. *Yordan, et al.*

Yordan, et al. comment that an administrative order is unlikely to meaningfully protect the citizens of Pennsylvania from the ravages of Section 1329 acquisitions by investor-owned utilities. They state that acquisitions of healthy systems have resulted in gigantic rate increases without any improvement in the quality of service or in financial viability. They also state that financially healthy systems have access to bond markets to finance upgrades at lower costs than for-profit utilities. Additionally, they state that most local officials of financially healthy communities choose to sell municipal water and wastewater assets because Section 1329 provides an irresistible incentive to raise revenue for the municipality without having to transparently raise taxes. Yordan, et al. claim that the 2024 TSIO gives the impression that the Commission is reforming Section 1329 to relieve legislators of repealing the statute. Yordan, et al. Comments at 1-2.

f. *Mr. Cawley*

Cawley, who was a former Commissioner of the Commission, states that, overall, Section 1329 is a corruption of public utility ratemaking and is contrary to the fair balance and public interest emphasis of the Public Utility Code and its predecessors, noting that it restores pre-1913 monopoly pricing for existing and acquired water and wastewater customers and has caused extreme rate increases approaching \$100 million annually. He notes the Act 12 was misleadingly sold as a necessary incentive for large water companies to acquire distressed and impoverished municipal water and wastewater systems and that, if the sales pitch was true, the existing Section 1327(a) could have been amended to allow for contributed property to be included in their valuation for acquisition purposes, which would have cured the utilities' only legitimate complaint about Section 1327. He notes that Section 1329 allows limitless purchase prices, unconstitutional marginalization of the Commission, and windfalls for large water company investors and a handful of municipalities. Cawley Comments at 3-4.

Cawley points out that the Commission must interpret and apply the Public Utility Code to avoid constitutional challenges and that the Commission reconciled Sections 1329(c)(2) and 1329(g) consistent with the mandated tenor of the Public Utility Code to regulate public utilities in the public interest. He urges the Commission to continue reconciling Section 1329's provisions, especially Section 1329(c)(1)(i)-(ii) in Section 1308 rate cases, to avoid violating the Pennsylvania and U.S. Constitutions and ensure that every public utility rate is just and reasonable. He states that the delegation of municipal property valuation for ratemaking purposes to private persons and entities is irredeemably unconstitutional. *Id.* at 4-5.

Cawley also addresses the history of public utility valuation from 1913 to 2015. He notes that, in 1913, the shareholders and bondholders of Pennsylvania's investor-owned public utilities earned a return on the fair value of the utility's property used to provide customer service, or rate base. He explains that the concept of fair value originated in U.S. Supreme Court dictum, but that the Court soon rejected figures derived from earnings as measures of fair value and committed to a reproduction cost rate base until 1934 when it sustained an original cost valuation of a bridge by the Pennsylvania Public Service Commission and pointed out the absurdities reached by reproduction cost valuations in two other cases. He also explains that, after the enactment of the Federal Natural Gas Act of 1938, the Court declared that the Federal Power Commission need not consider reproduction cost and then declared that it is not theory, but the impact of the rate order, which counts. *Id.* at 5—7.

Cawley notes that, in early cases, the Pennsylvania Public Service Commission gave considerable weight to original cost, but used reproduction cost if the utility's accounting records were deficient, and that, in 1923, the Commission moved toward a reproduction cost base to follow the U.S. Supreme Court. He explains that the legislature enacted the Public Utility Law and inexplicably authorized the Commission to fix the fair value of a utility's property, but omitted criteria set forth in the earlier act. He states that this led to clashes with the Superior Court regarding the meaning of fair value, which resulted in the preservation of the valuation standards from the 1913 act in which reproduction cost played a very large part until the late 1940s when the Superior Court acceded to the Commission's compromise

position of giving equal weight to both depreciated original cost and depreciated reproduction cost. *Id.* at 7—9.

He further explains that, in the following 35 years, expert witnesses argued about the appropriate fair value of the utility's rate base because precise numbers were impossible and that, in 1975, a Pennsylvania Senate committee recommended adoption of valuation at the property's original cost less depreciation, noting that the rate of return must be raised to adjust for the fact that the return will be calculated on the older, original cost of the investment rather than its speculatively determined present-day value. He points out that this change was not adopted until the amendment of Public Utility Code Section 1311(b) by Act 153 of 1984 applicable to all public utility property. *Id.* at 9-10.

Regarding Section 1329, Cawley states that the prime sponsor of Act 12 based the need for the legislation on troubled municipal water and sewer systems and an alleged disincentive to acquire those systems created by the existing law. He notes that Act 12 introduced a foreign concept to Pennsylvania public utility regulation by using FMV as a basis for valuing utility property for ratemaking purposes and that, contrary to the memo, it was not confined to distressed systems. He also notes that the memo referred to Section 1327 as a law relating to valuation as discouraging acquisitions of distressed systems, but that, if the large acquiring water companies failed to recover the purchase prices they paid for distressed systems, it was not the fault of Section 1327 and the alleged villain was the Public Utility Commission for disallowing portions of the purchase prices as unreasonably excessive or improper for inclusion in the acquiring water companies' rate bases for ratemaking purposes. *Id.* at 12—15.

He further states that the problem was easily cured by further amending Section 1327 with the same language that they suggested in the new Section 1329(d)(5). He notes that the FMV was cloaked in a patina of respectability by having independent appraisers establish it under national appraisal standards and that the memo failed to explain that the Commission could review, but not change the FMV or exclude the ratemaking rate base amount from inclusion in the utility's next base rate case because it already approved that amount in the Section 1329 proceeding. *Id.* at 15—17.

Cawley notes Aqua's argument in the proceeding involving the acquisition of New Garden Township's that the mandatory term "shall" in Section 1329(c)(2) and the definition of FMV in Section 1329(g) as the average of the two utility valuation expert appraisals conducted under subsection (a)(2) were clear and definitive that the Commission had no role in determining the ratemaking rate base except to adopt the lesser of the FMV as determined by the UVEs' appraisals and the purchase price. He also notes the Commission's holding that Section 1329 is reconcilable with Sections 505 and 1103(b), 66 Pa.C.S. § 505, 1103(b), and consistent with Pennsylvania Rule of Statutory Construction 1971(c), 1 Pa.C.S. § 1971(c), because it permits the Commission and parties to develop a record pertaining to the review and analysis of the FMV appraisals of UVEs. Cawley also states that the Commission properly reconciled Section 1329 by entertaining I&E's and OCA's suggested adjustments to the appraisals that determined FMV and by partially adopting those changes to unavoidably inflated valuations prepared under a constitutionally repugnant process. *Id.* at 17—21.

Moreover, Cawley explains that FMV has been found incompatible and improper for public utility rate base

valuation. He explains why eminent domain and commercial methods of valuation were found wanting and therefore rejected. He states that FMV was never used in Pennsylvania to value either public utility or municipal property for ratemaking purposes until the enactment of Act 12. He also states that Act 12 forced the Commission to return to 1975 ratemaking with the same time-consuming, expensive dueling of experts that was previously criticized. He notes that an examination of the cost, market, and income approaches reveals that history has repeated itself. He further points out that all three approaches are the standard methods of commercial valuation, which are equally unsuitable for valuing public utility property for ratemaking purposes. *Id.* at 21—28.

Cawley asserts that Section 1329 is unconstitutional for three reasons. First, he explains that the just and reasonable standard satisfies the constitutional requirement precluding regulatory commissions from exercising their ratemaking authority in a manner that confiscates utility assets and that just and reasonable rates do not constitute a taking under the U.S. Constitution. He also explains that Section 1329 prevents the Commission from determining whether the ratemaking rate base is just and reasonable and, instead, orders the Commission to adopt, without inquiry or modification, the lesser of two figures determined by the buyer and seller. Next, he states that instead of balancing the needs of public utility investors and customers as Section 1301(a) of the Public Utility Code and the Pennsylvania and U.S. Constitutions require, Section 1329 dictates the municipal seller's value for ratemaking purposes. He also states that, although the Commission has reconciled the first mandate under a rule of statutory construction and may attempt to do so regarding the second mandate, neither mandate can be reconciled constitutionally with Section 1301(a)'s requirement that every rate be just and reasonable. Lastly, he notes that Section 1329 unconstitutionally delegates the Commission's authority to determine valuation to private individuals and entities lacking political responsibility and accountability. He also notes that the General Assembly improperly delegated the Commission's authority to value municipal property for ratemaking purposes to UVEs or, if the purchase price is less than the FMV, to the investor-owned utilities. *Id.* at 29—36.

Finally, Cawley recommends that, if the large water companies can lobby the legislature for single tariff pricing, the Distribution System Improvement Charge, fully projected future test years, liability of water customers for sewer revenue deficiencies, enactment and amendment of Section 1327, and Act 12, the Commission, as the Legislature's expert agency, should urge the legislature to repeal Act 12 and amend Section 1327 to allow for the inclusion of contributed property in a municipal system's valuation for purposes of computing an appropriate acquisition adjustment. *Id.* at 37—40.

g. Mr. Knoll

Knoll comments that PAWC purchased the Exeter Township water and wastewater system and that, in 2023, he used half the amount of water, but paid more. Knoll notes that a billing cycle is between 28 and 35 days, which is inconsistent. Knoll also notes that PAWC's rate increase request contains three elements of alternative ratemaking, including a revenue decoupling mechanism, an environmental surcharge, and wastewater winter averaging. Knoll states that the revenue decoupling mechanism will assign a surcharge if monthly water usage falls below the budgeted usage to make up for the revenue loss and that this request is not fair because it does not have

the resident's best interest in mind. Knoll asks the Commission to determine if the rate increases are legitimate and notes that rate increase requests are not sustainable for customers. Knoll also explains that abnormally high water rates affect him directly and that he questions how he will pay this utility bill. Knoll states that Act 12 was intended to help struggling municipalities that could no longer provide quality service, but was instead used by private companies to make extreme profits. Knoll Comments at 1-2.

h. *The Carls*

The Carls state that Act 12 is flawed and that private utilities should not be allowed to pay FMV for municipal water and wastewater systems. They also state that Act 12 is a burden on ratepayers because rates have skyrocketed after each purchase, while profits have soared. The Carls note that they are ratepayers for CWA and hope that the 2024 FSIO will deter a private utility from acquiring CWA. They also note, however, that the 2024 TSIO does not fundamentally alter the ability of private utilities to pay FMV and do not require a vote by ratepayers as to whether they approved the sale or consequences that deny the acquiring utility the ability to pay a large amount and increase rates. Carls Comments at 1-2.

i. *Mr. Young*

Young notes that he lives with his wife in a senior citizen community in Valley Township on a fixed income. Young explains that, in 2016, his water and sewer rates were reasonable and paid quarterly and that the water and sewer system was very well managed. Young also explains that PAWC bought the system about two years ago and offered a low introductory rate for about a year before putting new rates into effect. Young states that his water and sewer bill is now monthly and are equivalent to what he paid quarterly. Young calls the rates predatory pricing and asks for Act 12 to be repealed because ratepayers need relief. Young Comments at 1.

j. *Ms. Weer*

Weer comments that she is encouraging that the Commission recognizes that ratepayers are at risk for escalating rates due to Act 12. Weer notes that she is a resident of a retirement community in West Grove. Weer states that local municipal officials are not able to protect residents from increased rates resulting from the privatization of public water and sewer services and that the Commission is in a better position to do so. Weer also states that local officials are new to a municipality by the time a water or sewer system becomes distressed or targeted by a purchase and that they cannot be expected to determine the utility's value on a municipal scale or a regional scale. Weer asks the Commission to take action before contracts are binding for privatization, noting that expenses increase every year and that she cannot imagine what would happen if rates increased like in New Garden Township. Weer Comments at 1.

k. *Mr. Osei*

Osei notes that Section 1329 is fundamentally broken and that it is incumbent on the General Assembly to repeal the law. Osei states that there are other more appropriate acquisition procedures for Section 1329 applications and that the Commission has routine lawsuits over Section 1329. Osei Comments at 1.

l. *D'Ignazio, et al.*

D'Ignazio, et al. state that friends in New Garden are aghast at what they pay for sewer and water and that

they are worried about Act 12 due to being in a 50-mile span subject to further Act 12 allowances. They claim that Act 12 is enabling profit driven companies to game the system with unfair advantage over well-run companies that offer the best customer service and value. They ask the Commission to strengthen Act 12 by insisting that the sale prices do not exceed the depreciated value and banning non-disclosure agreements. They further ask the Commission to support a repeal of Act 12 and state that non-action has targeted them as a family. They also ask when a utility is considered a monopoly. D'Ignazio, et al. Comments at 1.

B. *Reply Comments On The 2024 TSIO Generally*

1. *Public Utility Reply Comments*

a. *PAWC*

PAWC reiterates the benefits of Section 1329 in opposition to OSBA's perceived concern with the incentives in Section 1329 transactions. PAWC Reply Comments at 12.

In addition, PAWC does not agree with the comments of Cawley, who generally opposes the existence of Section 1329. PAWC reiterates the importance of Section 1329 and its proven success in remedying non-compliant systems, improving safety and reliability and ensuring environmental and economic benefits to customers. PAWC Reply Comments at 15—18.

2. *Advocate Reply Comments*

a. *OCA*

The OCA explains that the comments filed present two different pictures. The OCA notes that investor-owned utilities and some municipalities suggest that Section 1329 is a success story, while comments from consumers and low-income advocates show the reality, which is the fiction that value can only be found at extremely high multiples of depreciated original cost, the rate impact that this has had already on existing customers of the buyer and seller, and the impact on bloating the investor-owned utilities' rate bases, all of which benefits shareholders who bear no negative consequences of the high purchase prices. OCA Comments at 1.

3. *Individual Reply Comments*

a. *Mr. Mrozinski*

Mrozinski believes that Act 12 incentivizes both the selling municipality and the purchasing utility to seek the highest sale price. Mrozinski explains that a utility is an asset which the municipality can sell at any price it can negotiate; however, the Commission must determine how much of the sale price is to be added to the rate base based on quantifiable public benefit. If the sale is being justified by the benefits of the influx of money, Mrozinski asserts that these benefits must be quantified and weighed against the quantitative harm caused by the rate impact. Mrozinski further explains that any claimed benefits must be specific, and funds must be formally committed to these promised benefits prior to the sale. Mrozinski Reply Comments at 2.

Mrozinski explains that, in the case of New Garden Township, despite promises to use sale proceeds to offset future tax increases, the Township announced in late 2023 its plans for a 127% real estate tax increase. Mrozinski asserts that, except for a new regional police station, none of the sale proceeds have been used for any public benefit. Four years after sale closure, over 75% of the \$29.5 million sale price sits stagnant in an interest-bearing account. Id. at 2-3.

b. *Yordan, et al.*

Yordan, et al. assert that the General Assembly does not believe that FMV acquisitions automatically promote the public interest and explain that the General Assembly left the burden of proving substantial public interest in each case before the Commission and the courts. Yordan, et al. state that the law in Pennsylvania still places the burden of proof on the acquiring utility to demonstrate that the acquisition will benefit the public, a very high hurdle for healthy systems run by healthy municipalities with ample financing capability. Yordan, et al. Reply Comments at 2.

c. *Mr. Cawley*

Cawley asserts that Act 12 should be repealed. He notes that PAWC and Aqua fail to mention the high rates caused by Section 1329. He asserts that the primary problem is the ultimate effect on rates of excessive purchase prices unchecked by the Commission's usual practice of approving a reasonable positive acquisition adjustment where the depreciated original cost of the acquired facilities is less than the purchase price of the facilities. Cawley Reply Comments at 2-3.

Cawley explains that Section 1329 was specifically designed to avoid the inconvenient need for an acquiring utility to convince the Commission that the difference between the depreciated original cost and the purchase price should be allowed as a positive acquisition adjustment. He states that Section 1329 avoids that troublesome process by excluding the Commission altogether and requiring it to adopt the lesser of the FMV or the purchase price. *Id.* at 3.

Cawley believes that rationalizations for Section 1329 should only apply to troubled systems, not healthy systems, as allowing a premium over a healthy system's book value in the purchase price requires the acquired customers to pay a second time for their system, including the value of the contributed property, often with no improvement in service or quality. He asserts that the socialization of costs is proper when non-viable or distressed systems need rescuing and therefore a positive acquisition adjustment is granted to incentivize a public utility to acquire the system. He explains that financially healthy and well-managed municipal corporations and authorities may have good reasons for selling their systems, but that it is unreasonable to expect the acquiring public utility's customers to pay an excessive price for their assets, especially when they often include considerable contributed property, and the sale proceeds can be used for any purpose. He also asserts that the legislative history of Act 12 does not support the notion that municipal corporations or authorities need to be consolidated and regionalized, let alone healthy ones. *Id.* at 3-5.

d. *Mr. Osei*

Osei asserts that the General Assembly made Section 1329 acquisitions subject to Section 1102 of the Public Utility Code, 66 Pa.C.S. § 1102, and the determination of public interest is in the Commission's purview. Osei asserts that the Commission should deny Section 1329 applications that are not in the public interest. Osei explains that Towamencin Township sold their system to NextEra against the wishes of the residents and the projected rates have increased significantly. Osei Reply Comments at 1-2.

C. *Conclusion On The 2024 TSIO Generally*

Overall, and with respect to certain proposals in the 2024 TSIO, which we discuss in the respective sections of

this Order, some commentors have expressed concern regarding the nature of the 2024 FSIO. We clarify that the 2024 FSIO is nothing more than an order designed to identify how the Commission intends to implement Section 1329 in future adjudications. As with the 2016 FIO and the 2019 FSIO, this Implementation Order sets forth the Commission's guidelines and processes for applications filed with the Commission pursuant to Section 1329. 2016 FIO at 3; 2019 FSIO at 1, 3.

The Commission has a longstanding practice of entering implementation orders to address newly enacted statutes. For instance, when Chapter 14 of the Public Utility Code, 66 Pa.C.S. §§ 1401, et seq., was enacted in 2004, the Commission entered a series of implementation orders to set forth its Chapter 14 guidelines and processes. With respect to those implementation orders, the Commission explained:

Since the *Implementation Orders* are not adjudications, they should not be construed to have created "binding norms" that have the force of law. If they are so interpreted, then the *Implementation Orders* would be illegal because they are in the nature of unpromulgated regulations. See, e.g., *Pa. Human Relations Commission v. Norristown Area School District*, 374 A.2d 671, 679 (Pa. 1977), *Hardiman v. Commonwealth, Department of Public Welfare*, 550 A.2d 590 (Pa. Cmwlth. 1988).

A statement of policy is defined in the Commonwealth Documents Law as:

any document, except an adjudication or a regulation, promulgated by an agency which sets forth substantive or procedural personal or property rights, privileges, immunities, duties, liabilities or obligations of the public or any part thereof, *and includes, without limiting the generality of the foregoing, any document interpreting or implementing any statute enforced or administered by such agency.*

45 Pa.C.S. § 501 ("Statement of Policy") (Emphasis added). These *Implementation Orders* fit within this definition. Accordingly, the Commission agrees with the argument of [Philadelphia Gas Works] that the *Implementation Orders* at issue constitute policy statements setting forth how the Commission intends to interpret Chapter 14 in future adjudications and rulemakings. Nevertheless, the *Implementation Orders* provide guidance to parties by the agency charged with its implementation and, as such, any party that deviates from that guidance runs the substantial risk of being in violation of Chapter 14 and the initiation of appropriate enforcement measures to secure compliance with this new law.

Chapter 14 Implementation, Docket No. M-00041802F0002, 12-13 (Declaratory Order entered November 21, 2005). The same is true of the Commission's *Implementation Orders* pertaining to Section 1329, including the 2024 FSIO.

Additionally, it is well-within the Commission's authority to periodically revise its guidelines and processes for Section 1329. An agency may revise its policies in interpreting its statutory mandates, and past interpretations of a statute do not bind the Commission to a particular interpretation, especially when changes are made in consideration of the public interest. *Elite Industries v. Pa. Pub. Util. Comm'n*, 832 A.2d 428, 431-432 (Pa. 2003). Implementation is an evolving process where there is an ongoing need to resolve issues that arise. Chapter 14 Implementation at 10.

We explicitly contemplated changes to our implementation orders in the 2016 TIO where we stated, for example, that the Application Form for Registration as a Utility Valuation Expert and the Application Filing Checklist will be changed as the Commission deems necessary. 2016 FIO at 17. We also previously modified the Section 1329 guidelines and processes based on our experience in applying the provisions of Section 1329 from 2016 to 2018. 2019 FSIO at 2. Given that we have since gained more extensive experience in applying the requirements of Section 1329, additional modifications to the guidelines and processes are appropriate in the 2024 FSIO.

To offer further clarification regarding the nature of the 2024 FSIO, and address the concerns raised by municipalities regarding their role in Section 1329 acquisitions, we note that the guidelines and processes delineated in our implementation orders are not intended to impact any separately existing guidelines and processes for municipalities given that acquiring utilities are the applicants in Section 1329 proceedings before the Commission. For instance, while we encourage reasonable cooperation between selling utilities and acquiring utilities for Section 1329 applications, acquiring utilities are ultimately responsible for the items in Appendix A, the Application Filing Checklist. Moreover, as we stated in the 2016 FIO, if any of the information requested in the Application Filing Checklist is unavailable for a particular acquisition after a reasonable search or simply does not exist, applicants are expected to include with applications verified statements to that effect and the Commission will consider the verified statements in its review of the completeness of the applications. 2016 FIO at 39.

We also recognize commentors' concerns regarding the intent of Section 1329 and the future of Act 12. In this 2024 FSIO, as in the Commission's prior Section 1329 implementation orders, we have duly considered the intent of the General Assembly with respect to Section 1329. The Commission is without the authority to modify or repeal Act 12 as the modification or repeal of statutory provisions of the Public Utility Code can only be effectuated by the General Assembly. Section 1329 remains a tool for municipalities to receive FMV compensation for their assets and ensure that their customers receive safe and adequate service from a capable public utility. Section 1329, however, does not alter the requirements of Chapter 11 of the Public Utility Code in that all proposed acquisitions must be necessary or proper for the service, accommodations, convenience, or safety of the public, i.e., be in the public interest. 66 Pa.C.S. § 1103(a); *City of York v. Pa. Pub. Util. Comm'n*, 295 A.2d 825 (Pa. 1972); see 2018 TSIO at 3.

Further, with respect to the pending and upcoming Section 1329 applications that commentors believe will be impacted by the 2024 FSIO, we are cognizant of the fact that APAs and Section 1329 applications are in various stages of negotiation and filing, respectively. However, the application of any changes to the existing Section 1329 process that the Commission may adopt via this Implementation Order will only apply to those Section 1329 applications filed after the entry date of this Order as explained herein. No utility will have to refile pending Section 1329 applications as those will be addressed on the merits when the Commission undertakes its review of the applications. Accordingly, we recognize that the unique facts and circumstances of each application must be evaluated in a Section 1329 proceeding, and we will take the dates on which APAs were signed and applications were filed into consideration as appropriate.

II. Public Hearings

In the 2024 TSIO, we proposed requiring selling utilities and acquiring utilities to conduct at least two in-person public hearings prior to executing an APA. We stated that the public hearings should address the proposed acquisition, describe the potential rate impacts, provide the opportunity for public comment, and be held at venues within the municipal boundaries of the selling utility, or at the nearest reasonable venues with notification to the Commission. We also stated that the acquiring utility or selling utility should be required to notify the selling utility's customers of the public hearing. We proposed to revise the Application Filing Checklist to include public hearings and an attestation that the public hearings were held. 2024 TSIO at 3-4.

A. Comments On Public Hearings

1. Municipality Comments

a. PSAB

PSAB supports including public meetings in the Section 1329 process. It notes that many of its members are already having public meetings to consider the issues in their communities. PSAB suggests referring to public meetings, rather than public hearings, due to legal responsibilities that may bring added expenses, such as stenographers. PSAB Comments at 2.

b. Brentwood

Brentwood states that transparency is critical and that public hearings should be held before decisions are made by municipalities. Brentwood notes, however, that the Commission lacks the authority to require that municipalities hold public hearings or to dictate how municipalities do so because municipal codes, such as the Borough Code, govern municipalities. Brentwood comments that, even if the Commission was permitted to require public hearings, the proposed public hearing requirement is vague. Brentwood states that the word "prior" is ambiguous and that the 2024 TSIO does not specify whether the examples of effective notice are exhaustive or detail whether selling and acquiring utilities are limited to telling the public about the proposed acquisition and its rate impacts or permitted to give more information, including how rates might change absent the transaction or the environmental hazards that prompted a selling utility's decision to explore a sale. Brentwood Comments at 3—5, 7.

c. PMAA

PMAA notes that the public hearing requirement does not identify the time in which to notify a selling utility's customers of public hearings. PMAA suggests a public 90-day notice so that ratepayers have a reasonable timeframe to prepare. PMAA also suggests that public hearing procedures include an announcement of intent, disclosure of relevant information, a reasonable amount of time for ratepayers to analyze all information and data, and time set on the agency to allow ratepayers to present concerns. PMAA further suggests boosting transparency by requiring public disclosure, public hearings, and public input before the execution of an APA, ensuring that a qualified representative from the acquiring and selling utilities are present at the hearings to respond to ratepayer inquires, and requiring public bidding when appropriate. PMAA also recommends a prohibition on non-disclosure agreements. PMAA states that more than two public hearings are necessary with at least one being held before bids are solicited. Ultimately, PMAA states that

the General Assembly should require a public referendum prior to a sale under the law. PMAA Comments at 2.

d. *BCATO*

BCATO states that it concurs that the proposed revisions will improve the general public's awareness of applications. Specifically, BCATO notes that two public meetings are appropriate to allow for greater participation. BCATO suggests minimum notification timelines, noting that, in its case, notice was only provided one week in advance. BCATO also suggests that the notification utilizes a region's most effective communication approaches, not just newspaper notice. BCATO Comments at 2.

e. *PSATS*

PSATS comments that it appreciates the Commission's efforts to provide greater transparency with in-person public hearings and supports the flexible options for notifying the public about hearings, including social media posts, community newsletters, and direct outreach through text or e-mail. PSATS recommends establishing a minimum timeframe between the notice and hearings to ensure time for affected ratepayers to participate, noting that several weeks is sufficient. PSATS Comments at 1.

f. *CWA*

CWA states that the selling utility should be required to notify the selling utility's customers of public hearings. CWA suggests that at least one public hearing be held in every quarter that a sale of a utility is being planned or contemplated. Additionally, CWA recommends that notice to all residents and ratepayers be given twice, at least six weeks before a public hearing, via letters or postcards, bill inserts, and at least one other method such as e-mail, text, or phone call. CWA further recommends that notice to all residents in a municipality be delivered twice, at least six weeks before a public hearing, by advertising in local newspapers and at least three of the following: posting in areas of high foot traffic, community news letters, faith community bulletins, public service announcements, social media posts shared with community groups and municipalities, local radio and television stations, communications to local community groups, and postings with local community centers. CWA Comments at 2-3.

2. *Public Utility Comments*

a. *Aqua*

Aqua supports the Commission's proposal of holding two public input hearings on a transaction under Act 12. In particular, Aqua agrees with the language that leaves flexibility in the venue because selling utilities vary. Aqua also agrees with the description of a public meeting because community leaders should help decide where the best location is to communicate with their residents. Aqua notes that it intends to comply with these requirements in good faith to make sure the public is informed. In anticipation of comments which may request more definitive definitions and prescriptive language for public hearings, Aqua points out that there are a limited number of acquiring utilities that use FMV and, if there are future examples provided in applications that suggest buyers and sellers are not acting in a good faith effort to comply the public hearing requirements as drafted, it could be easily remedied in the future. Aqua Comments at 3-4.

b. *PAWC*

PAWC comments that it does not oppose this proposal. PAWC explains that most municipalities considering the

sale of their water or wastewater systems already offer the public multiple opportunities to ask questions and express their views about a proposed transaction before an APA is signed. PAWC suggests that the Commission specify that hearings held by the selling municipality are adequate to satisfy this guidance. PAWC also notes that it understands that the required public hearings do not need to be like the public input hearings that are held during rate cases and that an opportunity for the public to comment and ask questions at a meeting of the governing body of the municipality would meet the requirement. PAWC asks the Commission to clarify that the required public hearings need not be in the nature of a judicial or formal evidentiary proceeding. PAWC also suggests that the Commission promulgate regulations establishing uniform requirements for public hearings in order to ensure that the same requirements apply to all acquiring public utilities and that Commission staff cannot withhold acceptance of an application on the basis that Commission staff has a different notion of the public hearing requirements than the Commission itself. PAWC Comments at 19.

3. *Advocate Comments*

a. *PWEA*

The PWEA strongly supports public notice requirements and communication with ratepayers prior to the sale of a water or wastewater system. With regard to the requirements to schedule and conduct at least two in-person public hearings, the items to be addressed at public hearings, and the notification to the selling utility's customers of the public hearing, the PWEA suggests that the language "should" be changed to "shall." The PWEA also states that the venues proposed for public hearings in the 2024 TSIO are acceptable. PWEA Comments at 1-2.

b. *OCA*

The OCA supports the requirement to hold at least two in-person hearings before the execution of an APA and the Commission's notice and substantive requirements for the hearings. The OCA proposes a few changes to ensure uniformity for the public and stakeholders. OCA Comment at 2.

With respect to notice, the OCA suggests that direct notification be done by phone call, text, letter, or e-mail, and that the acquiring utility cooperate with the selling utility to ensure that customers of the selling utility are properly identified to receive direct notice. The OCA also suggests that public meetings be scheduled separately from the regular business meetings of a selling municipality to comply with the 2024 TSIO because regular business meetings involve many agenda items and restrict the ability for the public to comment on the proposed transaction. *Id.* at 2-4.

The OCA states that the basis for the bill impact information should be the revenue requirement associated with the ratemaking rate base, calculated by the acquiring utility. The OCA notes that this information is provided in the Section 1329 application but could be provided earlier as part of the bill impact information offered at the public hearings. The OCA also notes that using the revenue requirement calculation based on the proposed purchase price would provide important information because it can be compared to the revenues collected from the seller's customers using the rates at closing, and any shortfall and future rate impact on the seller's rates and bills would provide clear information about what the rate impact will be from the purchase

price. The OCA also states that bill impact information should be in plain language without unnecessary information or legal information. In particular, the OCA asks that the bill impact be shown without any rate freeze that is not binding and may lead to confusion among affected customers. The OCA does not recommend using the existing Section 1329 notice because it does not provide full and complete information that would fulfill the requirement that customers receive information about bill impacts. The OCA offers three specific recommendations regarding what information should be provided to the seller's customers. *Id.* at 4-5.

First, for wastewater acquisitions, the OCA recommends that the bill impact reflect the full impact of the revenue requirement calculated by the buyer that identifies the shortfall, if any, between the revenues collected through the seller's rates and the calculated revenue requirement. The OCA states that the full bill impact should not be reduced by any Section 1311(c) shift that the buyer may propose in future rate cases. The OCA also recommends showing the rate impact if all of the revenue requirement was collected from the selling utility customers. In this regard, the OCA states that there could be information about a shift of the wastewater revenue requirement to water customers under Section 1311(c), but that it should be emphasized that it is within the Commission's discretion whether any shift would be approved and the amount. The OCA further states that any request under Section 1311(c) should not be portrayed as relieving the seller's customers from paying the revenue requirement that results from the sale. The OCA states that this recommendation for public hearings is consistent with the Commission's directive regarding the rate impact notice. *Id.* at 5-6.

Next, the OCA recommends that the bill impact information be provided for different usage levels. The OCA suggests using 3,200 gallons per month, 5,000 gallons per month, and 10,000 gallons per month, as an example. The OCA notes that this range is based on information in Penn State Extension: Estimating Water Needs, and that these ranges are a reasonable approach to show the impact of the transaction on customers at different usage levels. *Id.* at 6-7.

Additionally, the OCA recommends that the calculations of rate impact include any capital expenditure commitments that the acquiring utility is committing to in the APA and the related revenue requirement. The OCA states, for instance, that, if an acquiring utility commits to invest a minimum amount of capital expenditures for a number of years in the service area of the selling utility, the additional revenue requirement impact should be included in the rate impact calculation to understand the impact of the capital expenditure commitments in the APA. The OCA provides an example of the revenue requirement calculation at closing and includes Year 1 capital expenditures in Attachment A to its comments. *Id.* at 7-8.

The OCA further recommends that the notices provided to the customers of the buyer and seller as part of the application proceeding before the Commission should include this information as well. *Id.* at 27.

c. *SPWSPG*

SPWSPG comments that public input and participation are needed before a contract is signed to sell a water or wastewater system. SPWSPG states that two public meetings are insufficient and suggests that the public be involved from the moment the local government decides

to consider a utility sale. SPWSPG also states that the public must be notified and provided with an opportunity to comment at every stage. SPWSPG suggests holding at least one public hearing before bidding, providing full and complete disclosure of the impacts of the sale and the analysis for the sale recommendation, and providing equal time for members of the public opposing the sale to present their case at a public meeting. SPWSPG Comments at 1.

d. *CAUSE-PA*

CAUSE-PA supports the Commission's proposal to require more robust public engagement but recommends that the Commission go further to ensure selling and acquiring entities elicit meaningful and informed public input in a timely manner, which informs the entities' ultimate decision on a proposed sale. CAUSE-PA Comments at 8.

First, CAUSE-PA urges the Commission to require selling and acquiring entities to host at least one public input hearing before the terms and conditions of a potential sale are fully negotiated. CAUSE-PA also suggests a second or subsequent public input hearing later in the process, but before a final APA is signed, to present the details of a proposed sale and to review the projected impact on customers of both the acquired and acquiring entities. CAUSE-PA states that, at this hearing, the entities should be required to explain how they addressed concerns raised at the initial public input hearing, and permit consumers to respond and provide further comment on the details of the proposed sale, and require the selling and acquiring entities to include an explanation of how they addressed consumer concerns raised at each of the public input hearings as part of any subsequent application for approval of a proposed sale. CAUSE-PA further suggests requiring formal transcripts from the hearings to be publicly available and attached to Section 1329 applications, and requiring acquiring entities to demonstrate in their application how the terms and conditions of a sale are responsive to the input gathered in public hearings. *Id.* at 8-10.

Next, CAUSE-PA urges the Commission to require stand-alone public input hearings and eliminate the option for hearings to be held during a broader public meeting or open house hosted by the acquiring or selling utility. CAUSE-PA states that the gravity of a proposed sale of publicly-owned water and wastewater systems and the resulting impact on rates necessitate individualized consideration that can be reviewed by the Commission to determine whether a proposed sale appropriately balances the benefits against the harms. CAUSE-PA also states that allowing an acquisition to be one of many agenda items may diminish participation and limit the time needed to present and allow comment and discussion. CAUSE-PA further suggests that the selling entity be required to include regular updates on a potential or pending sale as a standing agenda item at all general public meetings for the duration of the sale. *Id.* at 9-10.

Moreover, CAUSE-PA recommends that the Commission require decision-makers of the selling and acquiring utilities to attend public hearings to ensure customer questions are answered. CAUSE-PA also suggests requiring that all relevant rate impact information be presented in advance of and during hearings and allowing adequate time for public comment as well as the submission of written comments. CAUSE-PA recommends that public hearings be accessible and inclusive, meaning that selling and acquiring utilities provide an interpreter for non-English speakers and those using American Sign Lan-

guage and that hearings be held in a central location that is accessible to the entire community with consideration to the proximity of public transit options. CAUSE-PA also notes that larger regions may require more public input hearings and that it does not object to a hybrid option as long as anyone accessing the hearing remotely can comment. CAUSE-PA asks the Commission to establish detailed accessibility guidelines, perhaps through a working group. *Id.* at 10-11.

Further, CAUSE-PA requests that the Commission address how selling and acquiring entities communicate with consumers about public hearings. CAUSE-PA asks the Commission to require the selling utility to send its customers a direct, written, plain language notice at least 30 days in advance of each public hearing and require the acquiring utility to post notice on its website, social media, and in local newspapers or newsletters. CAUSE-PA states that none of the listed options in the 2024 TSIO will adequately reach a selling entity's customers base alone. CAUSE-PA also suggests that public input hearing notices include a plain language rate impact statement and a chart identifying anticipated rates impacts at different usage levels. CAUSE-PA notes that the Commission could hold a working group to develop a template for notice. *Id.* at 11-12.

4. *Legislature Comments*

a. *Honorable Senator Comitta*

Senator Comitta supports public hearing requirements and asks the Commission to expand the number of required public meetings beyond two, especially considering that when rate increases are sought, multiple public input hearings are held. Senator Comitta also notes that any meetings must be scheduled to ensure ample opportunity for review and comment for all members of the public. *Comitta Comments* at 1.

b. *Honorable Representative Lawrence*

Representative Lawrence recommends clarifying the requirement to schedule and conduct at least two in-person public hearings prior to executing an APA. Representative Lawrence also states that the requirements for the public hearings to address the proposed acquisition, describe the potential rate impacts, provide the opportunity for public comment, and be held at appropriate venues are vague. In this regard, Representative Lawrence suggests specifying that a representative from the OCA be required to attend and present to the audience. Additionally, Representative Lawrence states that holding public hearings at a meeting of a township board of supervisors or township zoning hearing board where the acquisition is on the agenda, a meeting or open house held by a municipal water or wastewater utility, or an investor-owned utility company is insufficient. Representative Lawrence notes that allowing the acquiring utility to fulfill this requirement is problematic and that the term "open house" is too vague. Thus, Representative Lawrence suggests that the Commission clearly spell out what constitutes a public hearing focusing on a publicized meeting subject to the Sunshine Act and the Right-to-Know Law. Representative Lawrence also suggests that the meeting be held at a large facility, livestreamed, and recorded to view on the municipality's website. Further, as it pertains to advertising the public hearings, Representative Lawrence states that it is not clear whether a combination of the methods identified in the 2024 TSIO or just one method is sufficient. Representative Lawrence suggests that, at minimum, public hearings be advertised online, in the newspaper, and via mail to all affected

ratepayers at least two weeks prior to the hearings. *Lawrence Comments* at 1—3.

c. *Honorable Representative Cutler*

Representative Cutler supports efforts to bolster public notice and informed decision-making by local communities, but suggests that there is room to enhance and strengthen transparency and public input. Representative Cutler notes that acquisitions have a large impact on the communities served by the acquiring and the to-be-acquired systems that are not felt until it is too late in the process to change. Representative Cutler states that the proposal to require multiple public meetings is a positive step and that the public interest is best served by ensuring that meetings are publicized in multiple clear and conspicuous manners so that community participation is meaningful. Further, Representative Cutler asks the Commission to take measures that ensure meaningful public input and contemplative deliberation and that protect existing ratepayers of public utilities from impact that are truly not in the public interest. *Cutler Comments* at 1.

5. *Individual Comments*

a. *Mr. Mrozinski*

Mrozinski states that a selling utility should be required to notify the public when it seeks buyers and to hold a public meeting to justify that decision. Mrozinski also suggests that the selling utility explain all bids to the public and hold a meeting when a bid is selected to provide the timeline for negotiating the APA. Mrozinski states that the negotiations must be transparent with regular updates to the public. Additionally, Mrozinski agrees that at least two public hearings should be held but suggests that a ratepayer advocate should host one of the hearings. Mrozinski states that quantitative information and data concerning the impact of the sale must be provided to the public at least 30 days before the first public hearing, including access to all settlement discussions. Mrozinski also states that the rate impact should be made available to the public at least 30 days before the first public hearing. *Mrozinski Comments* at 2-3.

b. *Mr. Ferguson*

Ferguson notes that the current structure of public meetings effectively silences any opposition and that the meetings are akin to a sales presentation. Ferguson states that, when the sale is announced, there should be a complete disclosure of the impacts of the sale and the analysis for the sale recommendation. Ferguson notes that information should not be withheld due to nondisclosure agreements. Ferguson agrees that a minimum of two public meetings should be held. Ferguson contends that those opposing the sale should have an equal opportunity to present their case at the public meetings. Ferguson states that the first public meeting should not be held until 30 days after the disclosure so that the ratepayers have time to understand the information and that there should be 30 days between the two public meetings. *Ferguson Comments* at 2-3.

c. *NGT Residents*

The NGT Residents state that public meetings should be required from the very start and that public involvement only after the APA has been finalized is too late for the public to have real input. *NGT Residents Comments* at 1.

d. *Mr. Sauer*

Sauer asks that the Commission require any potential acquisitions to include at least two public meetings and to

make one meeting available via telephone for those who are unable to travel. Sauer suggests that the Commission, along with a neutral water company representative, be present at the meetings to field questions. Sauer also suggests there be a minimum of 30 days from the last public meeting until the comment period closes to give residents the opportunity to formulate their comments. Sauer states that the Commission needs to take public comment seriously because there is municipal government temptation in selling water and wastewater systems due to the huge cash windfall without raising taxes. In this regard, Sauer notes that public systems are owned by the people and stresses the importance of public comment. Sauer states that transparency should be improved, that there should be a ban on non-disclosure agreements, and that public bidding should be required. Sauer Comments at 3.

e. *Yordan, et al.*

Yordan, et al. notes that three public meetings were held for the Willistown Township sale. They state that the bidding process was conducted months before the meeting without informing ratepayers, that Aqua had been selected as the winner, and that the presentation was presented by a firm that was hired with a fee arrangement contingent upon the closing of the sale. They claim that bias was evident in the presentation and state that no rate impact notice was provided at the time of the public meeting. They also state that the next two meetings had a compressed timeframe that prevented community awareness and organizing efforts. Additionally, Yordan, et al. note that public meetings are appropriate for transactions that dispose of a valuable asset, but that additional time is needed for public comment. In this regard, they state that six weeks was not sufficient for the Willistown ratepayers to gather and analyze facts. They suggest requiring three public meetings, notice to ratepayers 30 days before the first meeting, and 60 days between all meetings. They state that all meetings should appear on the original notice. They also state that the meetings should be hosted by the selling utility and be conducted as a hearing, not an open house, so that statements are recorded. They ask that transcripts be made available on the selling utility's website within five business days and request a live stream option. Further, Yordan, et al. suggest that the acquiring utility be required to submit the notice for the meetings with the application along with a sworn affidavit stating that the meeting notice was mailed to arrive on time and that three meetings took place. Yordan, et al. Comments at 5—7.

f. *Mr. Cawley*

Cawley states that the Commission's public hearing proposal is sensible. Cawley Comments at 1-2.

g. *The Carls*

The Carls question what the result of public hearings will be and whether there are any consequences if every ratepayer at the meeting argues against an acquisition. They state that the requirements have no teeth. They further state the proposals are nothing and that they are perfectly happy with their water and rates. Carls Comments at 2.

B. *Reply Comments On Public Hearings*

1. *Public Utility Reply Comments*

a. *Aqua*

Aqua reiterates that it supports the Commission's proposal of holding two public hearings on a proposed

transaction. Aqua believes that the local community leaders should retain their rights and flexibility to communicate with their constituents and residents regarding the sale of water or wastewater assets and believes that the PUC proposed language accomplishes this while still setting a minimum requirement. Aqua further supports the proposed language that leaves flexibility in the description of the venue because selling utilities come in all different shapes, sizes and resources. Aqua agrees with the description of a public meeting so that the community leaders that are making the decision to sell can help decide where the best location is to communicate with their residents. Aqua Reply Comments at 3.

b. *PAWC*

PAWC does not oppose the proposal relating to public hearings as set forth in the 2024 TSIO. However, PAWC believes that, requiring public hearings in the form of a quasi-judicial or formal evidentiary proceeding and mandating that those hearings be stand-alone and not combined with other business impedes a municipal entity's power under applicable municipal codes and local home rule charters. PAWC asserts that, until an application is filed with the Commission, there is nothing for the Commission to regulate and the Commission has no statutory basis to regulate a municipality's procurement process. PAWC Reply Comments at 4.

PAWC does not agree with CAUSE-PA's suggestion that the Commission be more prescriptive in the requirements concerning public hearings. PAWC believes that CAUSE-PA is advocating for impermissible binding norms through an implementation order and questions the Commission's authority to micromanage municipal entities in the municipal procurement process. Id. at 14-15.

2. *Advocate Reply Comments*

a. *OCA*

The OCA does not agree with PAWC that a municipality's existing public meetings are adequate to satisfy a public hearing requirement. The OCA asserts that the use of existing public meetings that are held in the normal course of business would not have the same notice requirements as envisioned in the Commission's 2024 TSIO and as set out in the OCA's Comments. The OCA agrees with CAUSE-PA's suggestion to use standalone public hearings. OCA Reply Comments at 2.

The OCA believes that the selling and acquiring entities should be required to demonstrate in their application how the terms and conditions of a proposed sale are responsive to the input gathered during the public hearings. Id. at 2.

The OCA agrees with several other commenters that, to ensure the public's voice is heard, a public hearing should be held before the system is put out for bid and at each point in the process. The OCA agrees that there should be minimum notification times to ensure data can be reviewed before the hearing, that there should be 90 days' notice before the public hearing to ensure there is time to analyze the information and participate, and that there should be transparency in the transaction. The OCA agrees with PAWC that public hearings need not be judicial or formal evidentiary hearings, but notes that transcripts of the hearings would be valuable. The OCA agrees with Mr. Mrozinski that before an application is filed with the Commission at least two public hearings should be held with quantitative information and data concerning the rate impact provided at least 30 days before the first hearing. Id. at 3-4.

The OCA further agrees that the public interest is best served by ensuring the public meetings are publicized in multiple clear and conspicuous manners so that community participation is meaningful. The OCA agrees with Representative John Lawrence that effective notice could include at least an advertisement in a newspaper of general circulation, a notice on the website of the affected municipality, and a mailing to affected ratepayers. *Id.* at 4.

The OCA asserts that comments filed by a number of customers, who have experienced the lack of transparency, inaccurate information, and meetings that present only one side of the issues, provide sufficient experience over the last eight years for the Commission to move forward with specific notice requirements. The OCA believes that the content of the current formal notice should be revised to provide a full and complete picture of the rate impact and that the timing of the notice in an application case should move to when the application case is filed so that all customers are made aware from the start that the application has been filed. *Id.* at 5-6.

3. *Individual Reply Comments*

a. *Mr. Mrozinski*

Mrozinski asserts that the current communication procedures fall far short of providing the clear and detailed information necessary for meaningful public input. Mrozinski believes that public meetings after an agreement has been reached on the terms of the APA are formatted to sell the idea of the sale to the public, not to seek meaningful public input. Mrozinski explains that these meetings are too often not well publicized and provide at best only vague discussions of the rate impact versus potential benefits. Mrozinski Reply Comments at 1.

Mrozinski asserts that public meetings must meet at least the following requirements: at least two in-person hearings, the public must have access to an advocate; the selling municipality must actively publicize all public meetings, the public must be given full disclosure of the rate impact of the full selling price as well as the rate impact of any promised capital improvements, the total rate impact must be compared to all other reasonable options, and a detailed plan for use of the sale proceeds providing a quantitative benefit analysis. *Id.* at 1-2.

C. *Conclusion On Public Hearings*

Numerous parties commented on the 2024 TSIO's proposal to require selling utilities and acquiring utilities to conduct at least two in-person public hearings prior to executing an APA. Of note, Senator Comitta, Representative Cutler, PSAB, BCATO, PSATS, Aqua, PWEA, the OCA, and CAUSE-PA each filed comments indicating varying levels of support to the proposal.

We believe the breadth of the comments provided in general substantiate the adoption of the Commission's proposal regarding requiring selling utilities and acquiring utilities to conduct at least two in-person public hearings prior to executing an APA. As we stated in the 2024 TSIO, the Commission believes this modification will assist in better informing the public of the transaction between the acquiring utility and the selling utility. Further, we stated hosting such hearings will give the public the opportunity to question both transacting parties, and better prepare the public to participate in any eventual application at the Commission. Finally, we stated that bolstering such public input opportunity before the filing of the proceeding is further supported given the six-month statutory timeframe the Commission cur-

rently has to adjudicate perfected Section 1329 applications. We contend, from our review of the comments, that all these assertions hold true. Therefore, we believe the public hearing proposal and associated revisions necessary to the Application Filing Checklist, warrant adoption in this Order.

In particular, when an acquiring utility and selling utility agree to use the procedure established by Section 1329, they are required to schedule and conduct at least two in-person public hearings prior to executing an APA. The public hearings should address the proposed acquisition, describe the potential rate impacts, provide the opportunity for public comment, and be held at venues within the municipal boundaries of the selling utility, or at the nearest reasonable venues, with Commission notification.⁵ Such public hearings may include a public meeting held by the municipal government in which the transaction is on the agenda as well as other meetings or open houses hosted by either the acquiring utility or selling utility.

Additionally, the acquiring utility or selling utility are required to notify the selling utility's customers of the public hearing. Examples of effective notice include local newspapers, community newsletters, faith community bulletins, public service announcements, social media posts shared with community groups and municipalities, local radio and television stations, posting in areas of high foot traffic, communications to local community groups, and posting shared with local community centers. Direct outreach to concerned residents may also be considered as notice, whether through a phone call, text, letter, or e-mail.

We also request that acquiring utilities identify in their direct testimony the ways in which they responded to input received at public hearings, if any.

We modify Appendix A, Application Filing Checklist, as follows:

14. Buyer Testimony:

c. Identify in Buyer direct testimony the ways in which the buyer has responded to input received at the public hearings referenced in Checklist Item 26, if any.

26. Public Hearings. Provide a verification statement that at least two in-person public hearings were scheduled and conducted prior to executing the APA, and that:

a. The public hearings addressed the proposed acquisition, described the potential rate impacts, provided the opportunity for public comment, and were held at venues within the municipal boundaries of the Seller, or at the nearest reasonable venues, with Commission notification.

b. The Buyer or Seller notified the Seller's customers of the public hearings.

Acceptance of an application is not dependent upon the content of the responses to these new Checklist Items, but will only note whether the Checklist Items have been completed. As stated in the 2019 FSIO, the Bureau of Technical Utility Services (TUS) does not review the veracity or substantive quality of information that applicants submit to fulfill the Application Filing Checklist; it evaluates whether the Application Filing Checklist is complete. 2019 FSIO at 9.

⁵ In-person hearings may also permit hybrid access via telephone or video streaming.

III. *Rate Impact Notice*

In the 2024 TSIO, we stated that the acquiring utility and the selling utility should be required to verify, or declare under affidavit, as follows: both parties acknowledge the selling utility is aware of the potential rate impacts the transaction may have on the selling utility's customers, including the overall dollar and percentage impact implicated from stand-alone rates from the transaction price; the selling utility has publicly communicated such implications on rates through notices issued to its existing customers; and both parties understand the Commission may shift rate allocations in a manner different from any commitments made in the underlying application. We proposed that the verification or affidavit be part of the Application Filing Checklist and prerequisite to having a perfected application. 2024 TSIO at 4-5.

A. *Comments On Rate Impact Notice*

1. *Municipality Comments*

a. *PSAB*

PSAB comments that transparency and accurate information are vital to rate impact notice and that it supports the rate impact notice requirements in the 2024 TSIO. The PSAB notes that the requirements will be an additional expense, but that it will help to provide needed information to ratepayers. PSAB Comments at 2.

b. *Brentwood*

Brentwood comments that the rate impact notice proposal requires one-sided, incomplete information to be provided to the selling utility's customers and does not require selling utilities to advise customers of the rate impacts or tax increases they might face absent the transaction. Brentwood states that rate impacts are likely regardless of whether a transaction is approved and that requiring one-sided information regarding how a transaction price might impact rates will not provide impacted customers with a clear understanding of the situation. Brentwood also states that the rate impact notice proposal threatens to create a speculative and lopsided record because it does not account for the benefits of a transaction. Lastly, Brentwood claims that the proposal positions municipalities and acquiring utilities for failure by requiring them to swear under penalty of perjury the overall dollar and percentage impact implicated from stand-alone rates from the transaction price, which is theoretical and out of their control because the Commission decides rates. Brentwood Comments at 7-8.

c. *PMAA*

PMAA questions whether the Commission's intent is for items 1 and 3 to include acknowledgment and understanding by the selling utility's customers via effective public notice and public input, and whether the Commission's intent is for future customers and existing customers of the acquiring utility to be given a copy of the APA, including all technical appendices, and the rate impact notice. PMAA asserts that customers should see all language in the APA and that summaries may not provide a clear understanding of stand-alone rate impacts. PMAA Comments at 2-3.

d. *BCATO*

BCATO states that it concurs that the proposed revisions will improve the general public's awareness of applications. Specifically, BCATO notes that the rate impact notice is of significant value to the existing customer base. BCATO questions whether the potential impact on rates would be at maximum or capped value,

whether the selling utility's notice would include acknowledgement of the buyer, and whether mailing would be the method of notice with a minimum timeline. BCATO Comments at 1-2.

e. *PSATS*

PSATS recommends that notice of a proposed sale or offer be made at least 180 days prior to the sale to promote transparency and provide greater opportunity for public input. PSATS also recommends flexible options for notice like those used for the public hearing notice, stating that these methods have the best opportunity for ratepayers to be made aware of the sale. Additionally, PSATS supports requiring the seller to be aware of the potential rate impacts and to communicate this to existing customers. PSATS asks whether the notice would be through mailed notices included with bills or sent by other methods. PSATS Comments at 1.

2. *Public Utility Comments*

a. *Aqua*

Aqua supports the requirement for a verification or affidavit in which both parties acknowledge that the selling utility is aware of the potential rate impacts the transaction may have on its customers. Aqua notes that this requirement will underscore full transparency and encourage a dialogue about potential rate increases that will likely occur, whether or not a sale occurs. Aqua states that it agrees this verification or affidavit should be included within the initial application. Aqua Comments at 4.

Regarding the requirement for a verification or affidavit stating that the selling utility has publicly communicated such implications on rates through notices issued to its existing customers, Aqua notes that the current practice is that notice to existing and acquired customers occurs after the initial application is filed and after conditional acceptance. Aqua states that requiring notice with the initial application could be interpreted as requiring individual notice before an application is filed and a second individual notice during conditional acceptance. Aqua states that its current notices include information regarding the filing date, the estimated protest period, and the estimated Public Meeting date, and that these dates are unknown before an application is conditionally accepted. As such, Aqua recommends that the Commission clarify that current formal notice to customers remains unchanged and that the verification or affidavit for this requirement will occur after conditional acceptance, but before final acceptance, of an application. *Id.* at 4-5.

Regarding the requirement for a verification or affidavit stating that both parties understand that the Commission may shift rate allocations in a manner different from any commitments in the underlying application, Aqua supports this proposal as it encourages dialogue on the Commission's rate setting authority. Aqua agrees that this verification or affidavit should be part of the initial application. *Id.* at 5.

Further, Aqua supports communicating rate impacts to acquired customers on a full cost of service basis. Aqua notes that its notices to customers in all FMV applications were provided on a full cost of service, or stand-alone, basis. Aqua also notes that providing the stand-alone rate fully informs customers of the potential rate impact that may occur through a FMV application. Aqua states that utilities using FMV should also be able to provide other rate impact estimates in the notice in addition to the stand-alone rate impact. Aqua Comments at 5-6. Aqua notes that the Commission has stated that

the Section 1329 valuation could have a highly unlikely rate effect of \$0, that equally unlikely is a full allocation of all costs to a rate division consisting of only the customers of the acquired municipal system, and that the more likely outcome is indeterminate found somewhere between possible extremes. For this reason, Aqua suggests showing the stand-alone rate impact and alternate examples in the rate impact notice. Aqua further stated that full cost of service should be shown, but that some form of cost sharing within the wastewater revenue requirement alone or the water revenue requirement alone can occur, which would show a lower rate impact and may be more in line with the outcome of a base rate proceeding. *Id.* at 6.

b. PAWC

PAWC suggests a modification in the rate impact notice proposal. PAWC explains that, in Application of Pennsylvania-American Water Company Pursuant to Sections 1102 and 1329 of the Public Utility Code for Approval of its Acquisition of the Water System Assets of the Steelton Borough Authority, Docket No. A-2019-3006880 (Order entered October 3, 2019), the Commission approved a settlement establishing a methodology for PAWC to use when estimating the rate impact of an acquisition for purposes of providing customer notice and that this methodology is different from the methodology required by the 2024 TSIO and the methodology used by at least one other acquiring public utility. PAWC states that the 2024 TSIO requires a notice of the rate impact from stand-alone rates, defined as rates that do not include any Section 1311(c) water/wastewater cross subsidization, and that the settlement requires PAWC to use the Section 1311(c) allocation from PAWC's prior base rate case. PAWC asks the Commission to establish a uniform formula for rate impact through formal regulations to ensure a level playing field between competitors and to ensure that Commission staff cannot withhold acceptance of an application on the basis that staff disagrees with the method of calculating the projected rate impact. PAWC Comments at 20-21.

In addition, PAWC states that customer confusion would result if the customer notice required by the 2024 FSIO must be calculated in a different manner than the notice sent to customers at the time a Section 1329 application is filed. PAWC also states that the Commission has already issued an order directing a utility to calculate the customer notice in Section 1329 applications in a certain way and that methodology should also be used for the customer notice required by the 2024 FSIO. PAWC further asks the Commission to recognize that rate projections may vary over time based on changing facts and circumstances and that the buyer and seller affiants, in regard to the rate projections, should be required to confirm only that the projections were reasonable and based on the best available information that was reasonably available at the time of the projection. In addition, PAWC recommends that the Commission attach a pro forma verification and a pro forma affidavit as exhibits to its Order. *Id.*

3. Advocate Comments

a. PWEA

The PWEA supports the verification of the three items in the 2024 TSIO with the initial application. However, the PWEA suggests changing the language "should require" to "shall require". PWEA Comments at 2.

b. OCA

The OCA states that it agrees with the Commission and the intent to fortify the public notice requirements. The OCA refers to the items it proposed for public hearings regarding bill impact information and recommends that this information also be included in the notices that are included with the filed application and directly provided to customers of the buyer and seller pursuant to *McCloskey*. Specifically, the OCA asks that the notices include clear information about the bill impacts of the proposed ratemaking rate base, at different usage levels, and including the first-year capital expenditures. In a wastewater application, the OCA suggests that the notice to the seller's customers also show the bill impact at the full revenue requirement of the ratemaking rate base without any proposed shift under Section 1311(c). The OCA also suggests that the notice to the buyer's customers reflect the impact if there is a full shift of the revenue requirement for the acquisition from the seller's customers to the water customers. The OCA asserts that this approach will provide the full potential rate impact. OCA Comments at 8-9.

c. CAUSE-PA

CAUSE-PA urges the Commission to further clarify how a selling utility proves it has "publicly communicated" a potential rate impact to its customers. CAUSE-PA states that, without further clarification, the selling and acquiring entities could obfuscate this requirement to minimize opposition to a proposed sale. CAUSE-PA asks the Commission to require the selling utility to send written, plain-language notice to consumers of its planned public input hearing that includes a plain language rate impact statement and chart showing the anticipated rate impact for customers at different usage levels, both before and after the expiration of any contractual terms which may delay a rate increase on the selling utility's customers. CAUSE-PA states that the notice should explain that the Commission may shift resulting rate allocations in a manner that conflicts with any commitments made by the acquiring utility. Again, CAUSE-PA suggests that the Commission develop a template for this notice. CAUSE-PA Comments at 13.

In addition to written direct notice, CAUSE-PA asks the Commission to require the following information to be made available on both the selling and acquiring utility's websites: (1) a plain language statement of rate impacts, including a chart of anticipated rate impacts for customers with various usage levels, (2) transcripts from the public hearings, (3) any bill inserts, notices, brochures, or educational materials related to the proposed sale, (4) a copy of any written public comments, letters, or other correspondence received regarding support for or opposition to a proposed sale, (5) an analysis of the rate impact on low-income customers of the acquiring and selling utility, and a mitigation plan to assist economically vulnerable customers including creation or expansion of universal service programming, and (6) the availability of translation / interpretation services. Regarding the analysis of the rate impact on low-income customers, CAUSE-PA recommends that the Commission require entities to analyze the rate impact of a proposed acquisition on low-income customers of both the selling utility and acquiring utility. CAUSE-PA states that entities should use Census data to identify the percentage of the acquired customer base with income at or below 150% of the Federal Poverty Level (FPL) and identify the water and wastewater burden of households at each low-income tier (0—50% FPL, 51—100% FPL, 101—150% FPL) at

anticipated rates. CAUSE-PA states that the analysis should be included as part of an entity's application and that applicants should be encouraged to include an explicit plan within their application to mitigate any identified economic impact to these vulnerable groups of customers, including but not limited to the creation or expansion of universal service programming and other measures to ensure that customers of the selling and acquiring companies will be able to connect with and maintain affordable water and wastewater service in their homes. *Id.* at 13-14.

CAUSE-PA also states that language access must be considered for providing this essential information to customers and that all notices should be translated in Spanish and should include information in multiple languages about the availability of additional translation services when calling the utility. *Id.* at 15.

4. *Legislature Comments*

a. *Honorable Senator Comitta*

Senator Comitta supports enhancing notification requirements. Senator Comitta notes that ratepayers frequently report that they do not learn of sales until it is too late and without clear information on what the sale of the water/wastewater system means for their rates or how they can engage in the process. Senator Comitta states that requiring rate impact notices to be communicated to customers well-ahead of time is a positive step. *Comitta Comments* at 1.

b. *Honorable Representative Lawrence*

Representative Lawrence recommends that the requirement for the acquiring utility and selling entity to verify or declare under affidavit three clauses be changed to a requirement for declaration under affidavit only. In addition, Representative Lawrence states that the rate impact notice should include language to clearly state that promises to freeze rates may be unenforceable. Representative Lawrence also notes that the rate impact notice should be available and discussed at public hearings. Further, Representative Lawrence states that ratepayers would find the rate impact notice to be of more value if a comparison of potential outcomes was included with a prediction of utility rates in two years and five years and upgrades or repairs included. Representative Lawrence proposes that the rate impact notice include anticipated rates if the municipality retains ownership of the system and makes all necessary and prudent investments and anticipate rates if the municipality sells the system to an investor-owned utility that then makes all necessary and prudent investments in the system. Representative Lawrence suggests that the OCA calculate this analysis. *Lawrence Comments* at 3-4.

c. *Honorable Representative Cutler*

Representative Cutler comments that the proposal to require rate impact notice would be best utilized prior to public input hearings. Representative Cutler states that allowing the public to fully comprehend the fiscal impact of a pending decision is essential to meaningful debate and discussion. *Cutler Comments* at 1.

5. *Individual Comments*

a. *Mr. Mrozinski*

Mrozinski notes that it is important to communicate the stand-alone rate impact. Mrozinski states that the stand-alone rate impact should be communicated to the public at least 30 days prior to the first public hearing. Mrozinski also recommends that there be a written

guarantee that the disclosed rate will not be exceeded at the first rate increase after the closing of the sale. *Mrozinski Comments* at 3.

b. *Mr. Ferguson*

Ferguson states that notice should be provided before a sales contract is signed. Ferguson suggests that the rate impact should be a 'not to be exceeded guarantee' through the first rate case after an acquisition. Ferguson also suggests that, if the actual increase is in excess of the guarantee, it should be phased-in equally over the next three rate cases. Ferguson notes that non-binding estimates are usually low and that the companies should be able to make reliable forecasts. Next, Ferguson suggests that the timing and rate impact of investments should be fully disclosed. *Ferguson Comments* at 3.

c. *NGT Residents*

The NGT Residents suggest that the Commission can go further to ensure the sale is for the true benefit of the community, not just a sale for convenience and a large sum of money, by fixing the RRR to one for all future sales. *NGT Residents Comments* at 2.

d. *Mr. Sauer*

Sauer points to PAWC's purchase of the system in Butler, Pennsylvania, for which residents in Exeter Township received notice of a 7% wastewater and 0.8% water increase. Sauer questions why rates in Exeter Township would increase as a result of this acquisition. Sauer also questions why rate increase notices for such acquisitions are sent to ratepayers in unrelated parts of the state. *Sauer Comments* at 2, 5.

e. *Yordan, et al.*

Yordan, et al. state that customers' ability to influence the decision to sell is meaningful only before the APA is signed. They claim that current procedures require mailing a rate impact notice at the end of an application review just before it is declared final and that the 2024 TSIO would move notice to the filing of the application. They opine that this change is not meaningful and would have a tangible impact if it required the selling utility to deliver the rate impact notice to acquired customers 30 days before the first public meeting. They state that the rate impact notice should detail potential impacts and that spreadsheets detailing how the rate impact calculation was made should be posted on the municipality's website 30 days before the first public meeting. Additionally, Yordan, et al. recommend that the acquiring utility be required to submit with its application the text of the rate impact notice and a sworn affidavit stating that the rate impact notice was mailed from a post office located near the selling utility 33 days before the first public meeting as well as a sworn affidavit stating that spreadsheets detailing rate impact calculations were made available on the selling utility's website by the date of the first public meeting. *Yordan, et al. Comments* at 7-9.

f. *Mr. Cawley*

Cawley states that the Commission's rate impact notice proposal is sensible. *Cawley Comments* at 1-2.

g. *The Carls*

The Carls ask what will prevent an acquiring utility from providing a notice specifying a certain percentage rate increase and later increasing it or changing it. They state that the rate impact notice has no teeth. They further state the proposals are nothing and that they are perfectly happy with their water and rates. *Carls Comments* at 2.

B. Reply Comments On Rate Impact Notice

1. Public Utility Reply Comments

a. Aqua

Aqua asserts that the Commission should be wary of adopting the degree of detail on rate impacts and specificity that some of the commenters request during a FMV application as there are numerous factors that influence and impact how rates are ultimately established in a future base rate case that includes a system acquired under Section 1329. The details of any future rate increase are not known with specificity at the time of the application. Aqua believes that being transparent about the uncertainty of future rate increases is just as important as transparency in communicating what the estimated rate increases might be. Aqua Reply Comments at 4-5.

b. PAWC

PAWC supports a rate impact notice that provides a reasonable projection of the rate impact of the acquisition for customers in a meaningful and easy-to-understand format based on the best available information at the time of the projection. PAWC emphasizes that FMV rate base is the only rate issue being finally decided by the Commission at the acquisition application stage and, accordingly, notice of the potential rate base impact is the only direct customer notice that should be required at the application stage. PAWC explains that other ratemaking issues are not decided until the subsequent base rate cases for which separate notices will be given. PAWC believes that the OCA proposes to include in the rate impact notice many things that are not directly related to rates including first year capital expenditure commitments made in an APA. PAWC Reply Comments at 4-5.

PAWC reiterates that, where the Commission has already issued an order instructing a utility how to calculate customer notice, that methodology should continue to be used. PAWC asserts that this would reduce customer confusion and ensure increased uniformity to implement an approach to rate impact notice that is the same as the notice sent to customers at the time a Section 1329 application is filed. PAWC believes it would also ensure consistency with the Commission's prior order concerning rate impact methodology. Id. at 5-6.

PAWC does not agree with CAUSE-PA's proposal to include formal requirements concerning timing, accessibility, and content for the rate impact notice. PAWC believes the rate impact notice should be limited to providing customers with notice of the application for the proposed acquisition with the FMV rate base only. Id. at 14-15.

2. Advocate Reply Comments

a. OCA

The OCA disagrees with PAWC as the notices used in an application including a Section 1329 valuation were not designed to provide a full and complete picture of the impacts of a potential transaction, before any APA has been negotiated. OCA believes that the rate impact materials should provide more information in clear, non-legal language. OCA Reply Comments at 6-7.

The OCA submits that it is incumbent upon the buying and selling utilities to appropriately analyze and present the impact of the transaction on consumers' rates in a fair, transparent, and clear manner. The OCA supports the CAUSE-PA proposal that the rate impact statement and chart be provided with plain language notice that is

provided directly to consumers before and after the expiration of any contractual terms which may delay a rate increase on the acquired utility's customers. Id. at 8.

3. Individual Reply Comments

a. Yordan, et al.

Yordan, et al. believe that a rate impact notice should be moved up to the time of the initial public meeting of acquired customers, earlier than the filing of the application. Yordan, et al. assert that this rate impact notice, however, would not replace the rate impact notice currently sent weeks before the Commission litigation begins. It would be an additional rate impact notice. Yordan, et al. Reply Comments at 4.

Yordan, et al. disagree with Aqua that the rate impact notice should contain estimated allocations of cost under Act 11. Yordan, et al. explain that costs allocated to the acquiring utility's existing customers will be offset by costs allocated to newly acquired customers from other acquisitions completed by the acquiring utility. Id.

Yordan, et al. also do not agree with Aqua's argument that the discussion of the rate impact from the acquisition needs to be accompanied by discussion of the rate increase that would occur if the system remained in municipal hands. Rather, they state that the *McCloskey* rate impact calculation is the cost to ratepayers of the initial acquisition price. The selling municipality already owns the system and the municipal ratepayers do not have to pay anything for it. If the system remains under municipal ownership, there is no initial rate impact, rather, rate increase imposed by the municipality would be attributable to future capital requirements or future increases in operating costs. Id. at 5.

C. Conclusion On Rate Impact Notice

Regarding the first rate impact notice proposal in the 2024 TSIO, we conclude that it is appropriate to confirm, as part of the initial Section 1329 application, that the selling utility is aware of the potential rate impacts the transaction may have on its customers, including the overall dollar and percentage rate impacts implicated from stand-alone rates that recover the acquiring utility's estimated annual gross revenue requirement for the acquired system from the selling utility's customers.⁶ With respect to the third rate impact notice proposal, it is likewise appropriate to confirm, as part of the initial application, that both parties understand the Commission may shift rate allocations in a manner different from any commitments made in the underlying application.

More so than rate impacts, these matters go to the overall nature of a proceeding under Section 1329. Therefore, we will add provisions addressing these matters to Checklist Item 23, which currently addresses whether there is an affiliation between the buyer and seller, whether the APA was negotiated at arm's length, and how customers will benefit from the acquiring utility's ownership of the system, among other things. We modify Appendix A, Application Filing Checklist, as follows:

23. Additional Verification Statements:

e. Provide a verification statement that the Seller is aware of the potential rate impacts the transaction may have on the Seller's customers, including the overall dollar and percentage rate impacts implicated from stand-alone rates that recover the Buyer's esti-

⁶ A stand-alone rate is one that does not include any subsidization of gross revenue requirement, including Act 11 of 2012 water/wastewater cross subsidization, or any subsidization by customers other than the selling utility's customers. Gross revenue requirement is the acquiring utility's estimated cost of service for the acquired system.

mated annual gross revenue requirement for the acquired system from the Seller's customers.

f. Provide a verification statement that the Buyer and Seller understand the Commission may shift rate allocations in a manner different from any commitments made in the underlying application.

We also conclude that it is prudent to fortify Section 1329 notices.⁷ In particular, as it pertains to the second rate impact notice proposal from the 2024 TSIO, we agree with the OCA that notices to a selling utility's customers must show bill impacts at the full, i.e., gross, revenue requirement of the ratemaking rate base without any proposed shift under Section 1311(c). This information should prove informative for the selling utility and its customers, as it will make it more certain both have a clear and informed understanding of the rate implications from the transaction.

We believe it is likewise prudent to fortify the notices for an acquiring utility's customers. For water applications, rate impact notices must reflect rates that recover the acquiring utility's estimated annual net revenue requirement for the acquired system from the acquiring utility's existing water customers.⁸ This replaces the current requirement that notice provided to customers potentially affected by the proposed transaction must be based on the results of the most recently adjudicated base rate case, as noted by PAWC.

For wastewater applications, we agree with the OCA that rate impact notices must reflect bill impacts as if there is a full shift of the revenue requirement for the acquisition from the seller's customers to water customers. We clarify that the revenue requirement is the acquiring utility's estimated annual net revenue requirement for the acquired system. Also, for wastewater applications, rate impact notices must reflect water and wastewater rates that recover the acquiring utility's estimated annual net revenue requirement for the acquired system from the acquiring utility's existing water and wastewater customers, respectively. While an acquiring utility cannot recover its entire net revenue requirement from both existing water and wastewater customers simultaneously, as noted by the OCA, this approach will provide the full potential impact to each set of customers.

We further agree with OCA and CAUSE-PA that notices must include clear, plain language information about rate impacts. We also agree with Representative Lawrence that notices should clearly state that promises to freeze rates may be unenforceable. While we may impute revenues in rate proceedings that involve rate freezes to mitigate revenue requirement impacts, we recognize that rate freezes frustrate our efforts to apply gradualism and consider affordability when designing rates. For example, rate freezes may mask multiple authorized rate increases until the end of the rate freeze period, when ratepayers would suddenly experience the cumulative effect of delayed increases. Attempting to mitigate this affordability concern raises serious concerns about discriminatory ratemaking treatment for an acquiring utility's existing customers that do not receive the same advantage of frozen rates and that may be responsible for providing the revenue that enables more gradual rate increases.

⁷ Although we encourage reasonable cooperation between acquiring utilities and selling utilities to effectuate notice, acquiring utilities, as the applicants in Section 1329 proceedings, are ultimately responsible for fulfilling the Commission's notice requirements. 2016 FIO at 18-19; 2019 FSIO at 30, n. 7. Thus, the rate impact notice provisions of this Order are not intended to impact any separately existing notice requirements for municipalities.

⁸ Net revenue requirement = gross revenue requirement - revenues at current rates. This value is expected to be the portion of the acquiring utility's cost of service that may be allocated to other customers in a future rate proceeding.

Acquiring utilities or selling utilities that wish to hold rates constant, or phase rates in, for a period of time after the next base rate case should file a rate stabilization plan with working papers for consideration with their Section 1329 application, as permitted by Section 1329(d)(1)(v).

We modify the Application Filing Checklist, which currently contains a provision for notice in Checklist Item 18.d, as follows:

18. Rates

d. Provide a copy of the notification sent, or which will be sent by the Buyer, to affected customers describing the filing and the anticipated effect on rates, including:

i. For the Seller's customers, the overall dollar and percentage rate impacts implicated from stand-alone rates that recover the Buyer's estimated annual gross revenue requirement for the acquired system from the Seller's customers.

ii. For the Buyer's customers, the overall dollar and percentage rate impacts implicated from the following rates: (1) for **water** applications, rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water customers, or (2) for **wastewater** applications, both water and wastewater rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water and wastewater customer, respectively.

iii. Clear, plain language information about rate impacts.

iv. A statement that any promise to freeze rates may be unenforceable.

Notice, however, remains part of the Commission's conditional acceptance directives. As Aqua explained, if notice was provided before conditional acceptance, notices would not contain information like the application filing date, the estimated protest period, and the estimated Public Meeting date for an order entered by the Commission.

We also encourage, but do not require, acquiring utilities to inform selling utilities of reasonably estimated rate impacts for the selling utility to consider, based on financial and operation data evaluated by the acquiring utility when it made its offer to purchase the selling utility's system. Acquiring utilities should provide selling utilities with estimates and supporting working papers, including the potential rate impacts that the transaction may have on the selling utility's customers, assuming the acquiring utility's highest proposed purchase price and stand-alone rates that recover the acquiring utility's estimated gross revenue requirement for the acquired system from the selling utility's customers, prior to execution of an APA. While the rate impacts in the notices required to be sent by the acquiring utility by the Commission may differ from these estimates due to changes in cost of service for the acquiring utility or selling utility during the negotiation and due diligence, or other changes, the estimates will assist selling utilities in evaluating rate impacts and communicating rate impacts to their customers. We are adding the following provision to Checklist Item 18:⁹

⁹ As we noted with respect to the recommendations regarding public hearings or public meetings, acceptance of an application is not dependent upon the content of the response to this Checklist Item, but whether the Checklist Item has been completed.

e. Provide a verification statement addressing whether the Buyer provided the Seller with estimates and supporting working papers, including the potential rate impacts that the transaction may have on the Seller's customers, assuming the Buyer's highest proposed purchase price and stand-alone rates that recover the Buyer's estimated gross revenue requirement for the acquired system from the Seller's customers, prior to execution of the APA.

We are also modifying Appendix B, Standard Data Requests, as follows to reflect the items discussed above:

4. Provide an estimate of the annual gross revenue requirement of the municipal system under the Buyer's ownership. Provide the assumptions for the annual revenue requirement, including expected rate of return, expected depreciation expense, O&M expenses, etc.

5. Provide an estimate of the annual revenues of the municipal system under the Buyer's ownership. Provide the assumptions for the annual revenues, including both operating revenues and non-operating revenues.

6. Provide an estimate of the overall dollar and percentage rate impacts implicated from stand-alone rates that recover the Buyer's estimated annual gross revenue requirement for the acquired system from the Seller's customers.

7. Provide an estimate of the overall dollar and percentage rate impacts implicated from the following rates:

a. For water applications, rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water customers.

b. For wastewater applications, both water and wastewater rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water and wastewater customers, respectively.

IV. *Default Weights For Appraisals*

In the 2024 TSIO, we proposed that UVEs weigh each valuation result evenly: one-third for cost, one-third for market, and one-third for income. We also noted that applicants would have an opportunity to seek Commission authority to deviate from these default weights for good cause and that such good cause would need to be included in the acquiring utility's Section 1329 application. 2024 TSIO at 5-6.

A. *Comments On Default Weights For Appraisals*

1. *Municipality Comments*

a. *PSAB*

PSAB states that it does not oppose mandating UVEs to use the cost, market, and income approaches for valuation evenly. PSAB requests that applicants be allowed to seek Commission approval to deviate from default weights for good cause and notes that good cause should include distressed systems. PSAB Comments at 2.

b. *PMAA*

PMAA questions whether appraisers should apply all ten current Uniform Standards of Professional Appraisal Practice (USPAP) as opposed to only USPAPs one through four, and whether the methods used for the preferred valuation approaches need reform. PMAA states that further context on the proposal is needed to better

understand its impact on future acquisitions and that it is concerned that the proposal allows exceptions. PMAA Comments at 3.

c. *BCATO*

BCATO states that it concurs that the proposed revisions will establish more consistent and expected weighting of valuation methods. Specifically, BCATO notes that there is a need for an equitable basis for the evaluation of different formats and their impacts. BCATO asks that the Commission provide the public with the ranges for the three approaches seen on recent docket packages. BCATO Comments at 1-2.

d. *PSATS*

PSATS comments that its membership has taken a position to oppose public utility acquisitions of municipal systems at FMV instead of book value and that the proposed changes to the default weights for appraisals would be a step in this direction. PSATS notes that legislation is needed to eliminate FMV appraisals. PSATS Comments at 1-2.

2. *Public Utility Comments*

a. *Aqua*

Aqua states that it agrees with the Commission that default weighting should be required unless adequate justification is provided by the UVE to deviate from the default weighting. Aqua Comments at 7.

b. *PAWC*

PAWC comments that it does not oppose the proposal for default weight appraisals. PAWC Comments at 21.

3. *Advocate Comments*

a. *PWEA*

The PWEA supports requiring some level of consistency when establishing FMV. The PWEA also supports limiting the discretion in the weights for assessments. PWEA Comments at 2.

b. *OCA*

The OCA fully supports the Commission's proposal for equal weighting of the three appraisal methods. The OCA also supports the option to seek authority to vary from these default weights "for good cause shown" in an application when filed. In this regard, the OCA notes that it is clear uneven weighting is not supported by any analysis and the use of uneven weighting should be eliminated or strictly limited by the Commission's approach. OCA Comments at 9-10.

In addition, the OCA provides a recommendation to refine the cost approach. The OCA explains that the Section 1301 requirement for rates to be just and reasonable must be given effect when valuing property under Section 1329 and, thus, the FMV for ratemaking rate base must reflect rates that are just and reasonable. The OCA notes that Section 1329 does not direct which method must be used by a UVE and that the Commission has the discretion to prescribe the method. The OCA also explains that the USPAP prescribes four different methods that can be used under the cost approach and that, under USPAP Rule 7-3, the appraiser "must analyze the relevant economic conditions that exist on the effective date of the valuation." The OCA suggests that the Commission require UVEs to set forth the economic conditions of the sale in their appraisals. The OCA notes that, in the public utility/muni-owned/muni-authority-owned system context, the economic conditions are natural monopoly-owned systems for which consumers have

already paid for and/or are paying for the existing infrastructure in rates, that there does not exist a competitive market for these assets, and that they are invested in and paid in for under rate regulation and government control. The OCA explains that, under these undisputable economic conditions, as required by USPAP Rule 7-3, the Commission should require a UVE's cost approach analysis to use only the original cost new less depreciation (OCNLD) method. In this regard, the OCA points out that the Commission stated, in the 2019 FSIO's Appendix C, that the OCNLD method of valuation can be utilized under the USPAP cost approach. *Id.* at 10–12.

Moreover, the OCA states that the Commission should consider the intent of Section 1329(a)(4)'s mandate that a licensed engineer conduct an assessment of the tangible assets of the selling utility and that such assessment be incorporated into the UVE appraisal under the cost approach. The OCA notes that Section 1329(a)(4) requires a rejection of the replacement cost less depreciation (CORLD) method because the CORLD method does not require an estimate of costs of identical utility property under present prices, but rather permits the assumption of the replacement of existing property with similar new property having the nearest equivalent utility to the property being valued. The OCA also notes that the CORLD method should be contrasted with the reproduction cost method less depreciation (RCNLD), which requires a valuation of existing utility property under present prices. The OCA explains that, based on this, Section 1329(a)(4) focuses the cost approach only the OCNLD, trended original cost less depreciation (TOCLD), and RCNLD methods. *Id.* at 12-13.

The OCA notes that it is well-settled that, under Section 1301 of the Public Utility Code, utility property is to be valued under original cost new less accumulated depreciation. The OCA also notes that the OCNLD method of valuation was developed after years of litigation under the prior statutory standard of fair value, which typically involved three cost valuation methods—original cost new (OCN), trended original cost (TOC), and reproduction cost method (RCN). The OCA further notes that, from these cost valuation methods, to determine the appropriate measure of value, the Commission would typically deduct accrued depreciation and depletion, resulting in the OCNLD, TOCLD, and RCNLD valuations. The OCA states that, in the Guide to Utility Ratemaking, the Commission acknowledged that rates can vary substantially depending on the cost valuation method used and that *McCloskey* provides that the Commission must take into consideration the effect of rates if the sale is approved. *Id.* at 12–14.

The OCA continues that the Commission must recognize that the OCNLD method is least likely to overvalue or undervalue utility property. The OCA asserts that the Commission should not overlook the history of controversy prior to 1984 regarding which method should be used to fix just and reasonable rates or the fact that the General Assembly settled that controversy by enacting Section 1311(b) to require cost-based valuation of utility property for ratemaking using the OCNLD method and that Section 1311(b) is still existing law today. The OCA notes that, by amending Section 1311(b) to include subsection (b)(2) in 2018, the General Assembly reaffirmed the OCNLD standard without any caveat or carveout for Section 1329's required cost approach for valuation of utility property. The OCA also notes that, pursuant to the rules of statutory construction, every statute must be construed, if possible, to give effect to all of its provisions.

The OCA states that Section 1311(b) can be construed to be given effect under Section 1329(a)(3)'s mandate to use the cost approach and Section 1329(a)(4)'s mandate to incorporate the Engineer's Assessment of existing system assets into the cost approach and that, under this statutory construction approach, the Commission is able to construe Code Sections 1329, 1301, and 1311(b) in a way that gives meaning to all provisions, while remaining consistent with USPAP Rule 7-4, which the Commission has previously concluded permits the use of the OCN method. *Id.* at 14–16.

The OCA asks the Commission to find, based on this analysis, that the OCNLD is the appropriate method of valuation under the cost approach required under Section 1329(a)(3). The OCA notes that the cost approach is not the sole method of valuing utility property under Section 1329 and that UVEs determine the value of the property also using the income and market approaches, which by necessity, results in a higher valuation of the system assets added to the rate base than compared to the valuation produced under the OCNLD method alone. The OCA also recognizes that valuing the assets at FMV rather than original cost alone will usually result in a higher price for the assets added to the rate base. *Id.* at 16-17.

c. CAUSE-PA

CAUSE-PA states that it does not take a position on the appraisal practices of evaluators to establish a FMV. CAUSE-PA Comments at 15.

4. Legislature Comments

a. Honorable Senator Comitta

Senator Comitta notes that she appreciates the Commission's consideration of guidrails to enhance uniformity in the process and better protect consumers. Senator Comitta states that she is interested in learning about the proposed default weights for appraisals, but that without more context and information on how they will be used, it is difficult to gauge their potential impact and benefits. Comitta Comments at 2-3.

b. Honorable Representative Cutler

Representative Cutler comments that he appreciates the attempt to appropriately weight valuation appraisals. Representative Cutler notes that this measure plays to the strength of the Commission given the Commission's long-standing experience with quarterly earnings reports and calculating reasonable rates of return for public utilities. Cutler Comments at 1.

5. Individual Comments

a. Mr. Mrozinski

Mrozinski states that the estimate of the market approach segment of valuation should be the depreciated value. Mrozinski Comments at 3.

b. Mr. Ferguson

Ferguson comments that the issue regarding how appraisals should be weighted was presented without any context. Ferguson asks how the FMV will be impacted and how changes to the default weight for appraisals would have affected prior acquisitions. Ferguson states that the Commission should not be given this flexibility until it is clear how it will be used. Ferguson Comments at 3.

c. Mr. Cawley

Cawley states that the default weighting proposal is an attempt to bring rationality and fairness to an irredeem-

ably unconstitutional law designed to usurp the Commission's fundamental authority and end-run the Commission's statutory duty to ensure that every public utility rate is just and reasonable, and that the proposal suffers from needless complexity caused by the statute's unprecedented switch from depreciated original cost to FMV. Cawley Comments at 1—3.

d. *The Carls*

The Carls ask what will change if UVEs use the three approaches to valuation. They state that it still allows acquiring utilities to offer large amounts of money to municipalities, although it will be calculated a bit differently. Carls Comments at 2.

e. *Mr. Smeltzer*

Smeltzer notes that the objective of an appraisal is to impartially and objectively assess the value of the subject property, but that employing a default weighting structure where each valuation methodology is assigned a fixed 33% weight undermines this core purpose. Smeltzer also notes that, while most UVE appraisals tend to distribute weightings evenly, it is imperative that discretion lies with the appraiser. In addition, Smeltzer states that, if the Commission is concerned about the independence of appraisers, it calls for a fundamental reevaluation of the UVE process. Smeltzer also states that the process should ideally involve three independent appraisers selected by the PUC, rather than the buyer or seller, and on a rotational basis form a preapproved list in order to mitigate any perceived bias. Smeltzer Comments at 1.

B. *Reply Comments On Default Weights For Appraisals*

1. *Public Utility Reply Comments*

a. *Aqua*

Aqua does not agree with OCA's change to the cost approach which recommended only using original cost net less depreciation. Aqua explains that the method of determining the value under Section 1329 is FMV and not the standard of value of original cost. Aqua Reply Comments at 5-6.

b. *PAWC*

PAWC believes that OCA goes beyond the scope of the 2024 TSIO in its comment that with respect to default weights for appraisals, the cost approach should only use OCNLD as the method of valuation. PAWC asserts that this is plainly incompatible with the statute and, if adopted, would be a nullification of the statute. PAWC explains that the statute is designed to remedy Section 1311(b), which worked to discourage the acquisition of municipally owned water and wastewater systems because Section 1311(b) requires that the Commission value acquired property at the original cost of construction less accumulated depreciation for rate setting purposes. PAWC further explains that Section 1329 seeks to examine valuation from a market perspective which enables a seller to price its public assets at a market value based on reasonable business valuation principles and enables a buyer to recover its investments in those public assets at that market-based value. Overall, PAWC asserts that returning to OCNLD for the cost approach would abandon the legislative aims of the statute which is to encourage a realistic approach to the sale of water and wastewater assets based upon the FMV of those assets. PAWC Reply Comments at 6-7.

2. *Advocate Reply Comments*

a. *OCA*

The OCA agrees with the proposed default weight for the appraisals proposed in the 2024 TSIO, along with its recommendation regarding the analysis to be used for the cost approach. OCA Reply Comments at 12.

C. *Conclusion On Default Weights For Appraisals*

The majority of the commentators support the proposal in the 2024 TSIO to establish default weights for appraisals. Therefore, we adopt the default weights as proposed in the 2024 TSIO here. UVEs are required to weigh each valuation result evenly: one-third for cost, one-third for market, and one-third for income.¹⁰ We are not adopting the OCA's proposal regarding the cost approach.

We reiterate that weighing each valuation result evenly will prevent UVEs from artificially inflating or deflating the results of high or low appraisals, respectively. The default weights will also serve to standardize the process.

We are also adopting the proposal in the 2024 TSIO that permits an applicant to seek Commission approval to deviate from the default weights for good cause shown. The acquiring utility must include a request for deviation in its Section 1329 application in order for the Commission to consider the request.

We modify Appendices A, C, and D, Application Filing Checklist, Additional Guidelines for UVEs, and UVE Direct Testimony Template, respectively, to reflect these default weight provisions. The Application Filing Checklist is modified as follows:

27. If seeking a deviation from the default weights established in the 2024 Final Supplemental Implementation Order, provide the request supported by good cause.

The Additional Guidelines for UVEs are modified as follows:

4. UVE materials submitted in support of a request for Section 1329 fair market valuation must:

a. Weigh each valuation result evenly: one-third for cost, one-third for market, and one-third for income, calculated as follows: Valuation Result = (Cost Approach Result + Income Approach Result + Market Approach Result) / 3. The Valuation Result is rounded to the nearest dollar.

b. If the UVE deviates from the default weights, the UVE must show good cause and explain the basis of the individual weight given to the cost, market, and income approach.

The UVE Direct Testimony Template is modified to as follows:

Q. Did you use the default valuation weights of one-third each for cost, market, and income?

A. Yes/No.

Q. If you did not use the default weights of one-third each for cost, market, and income, explain how did you developed the weighting applied to each approach in your appraisal and why are the individual weights you chose are appropriate for this proposed transaction?

¹⁰ This will be calculated as follows: Valuation Result = (Cost Approach Result + Income Approach Result + Market Approach Result) / 3. The Valuation Result is rounded to the nearest dollar.

A. For the cost approach I chose a weighting of ____%. It is my opinion that this weighting is appropriate for the cost approach because. . . For the market approach I chose a weighting of ____%. It is my opinion that this weighting is appropriate for the cost approach because. . . For the income approach I chose a weighting of ____%. It is my opinion that this weighting is appropriate for the cost approach because. . .

Or, N/A.

V. Reasonableness Review Ratio (RRR)

In the 2024 TSIO, we recommended publishing a Reasonableness Review Ratio (RRR) as a guidepost for analyzing and eventually making a final determination on the overall prudence of Section 1329 applications. We explained that the RRR would be as follows: Reasonableness Review Ratio = Enterprise Value (EV) / Net Property, Plant, & Equipment (Net PP&E). We noted that the published RRR would be comprised of the average of the RRR barometer group information set scraped four times a year and that the EV and Net PP&E information would be comprised of values for each indicator at the end of all four quarters. We explained that the data set would begin in quarter one of 2017, given that this would be the first full calendar year dating back to the passage of Act 12, and that the average would be rolling, so each RRR would include four new quarters and eliminate the four oldest quarters. We included the results for the EV, Net PP&E, and RRR in Appendix A to the 2024 TSIO. 2024 TSIO at 6–8.

A. Comments On RRR

1. Municipality Comments

a. PSAB

PSAB states that it opposes the implementation of a RRR because it will lead to undermining the FMV as set forth in Act 12. PSAB notes that the RRR will provide the Commission with a guideline to reject a locally negotiated sale price based on the FMV appraisal process and that the RRR will erode the local decision-making process and reduce benefits received by selling communities. PSAB Comments at 2.

b. Brentwood

Brentwood comments that, although the RRR is a non-binding guidepost, it undermines Borough Code, which requires boroughs to accept the highest bid, because it encourages bidders to present identical bids based on the RRR regardless of the system's assets and needs. Brentwood also comments that the RRR ignores the needs and desires of municipalities to sell a water system and is problematically imbalanced against municipalities. Brentwood states that the RRR eliminates the analysis already required by well-settled case law providing that the overall prudence of Section 1329 applications is determined by considering the substantive affirmative public benefits of the transaction. Brentwood claims that the law requires a holistic analysis of a transaction that goes well beyond future rates and considers fact-specific circumstances affecting each transaction. Further, Brentwood notes that the RRR disregards the votes of duly-elected municipal leaders by acting as a standardized test for transactions and ignoring a water system's assets, needs, and environmental conditions to focus instead on a comparison of investor-owned utilities sales. Brentwood Comments at 8-9.

c. PMAA

PMAA asserts that there is no clear guidance on how the Commission will use the RRR and that the RRR of 1.68 is too high because the only reasonable price for ratemaking purposes is the actual depreciated book value of the system, less contributed assets. PMAA suggests an RRR of 1.0. PMAA also notes that the RRR is non-binding and that it should be binding. Further, PMAA questions whether higher premiums will be approved. PMAA states that the RRR does not eliminate the FMV and that protecting the public should be the highest priority. PMAA Comments at 3.

d. BCATO

BCATO states that it concurs that the proposed revisions will assist the Commission in its ultimate review and analysis of Section 1329 dockets. Specifically, BCATO notes that the RRR is a valuable evaluation for the Commission. BCATO also notes that, as an advocate of public ownership, it is aware of the extra costs regulated utilities bring to customers. BCATO states that it has been told that the 1.68 value is significantly below the FMV deals already approved. BCATO asks for an explanation for this gap and justification. BACTO Comments at 1-2.

e. Beaver

Beaver comments that purchase price is just one aspect of a Section 1329 application that the Commissions should consider. Beaver suggests that the Commission consider the condition of the municipality and the system as well as the positive impact the sale will have on the municipality when determining the overall prudence of a sale. Beaver notes that it has historically experienced significant financial difficulties and that, because of its financial condition, it will not be able to keep up with the growing capital needs of its sanitary wastewater collection and conveyance system and the Beaver Falls wastewater treatment plant. Beaver also notes that, if it sells the system to Aqua, the capital needs will be met and the proceeds from the sale will help prevent the city from being named a distressed community by the Department of Community and Economic Development (DCED) or being in Act 47 status, which could lead to receivership. Beaver states that its revitalization plan depends on the proceeds of its pending sale of the system to Aqua. Beaver Comments at 4-5.

Further, Beaver states that it is troubled and that this fact should be given greater weight by the Commission than the RRR. Beaver explains that it lacks the financial, managerial, or technical ability to operate its system, that it has been unable to fill critical positions at the plant, does not provide for capital planning, and has experienced many serious safety and environmental deficiencies over the last two years. Beaver also explains that selling the system to Aqua will ensure that it is safe and that increasing environmental regulations are met. Beaver Comments at 4-5. Beaver states that its position is consistent with the Commission's prior findings in the 2018 TSIO that the development of water and wastewater service throughout the Commonwealth over the years has led to the creation of large numbers of geographically dispersed water and wastewater systems owned by municipal corporations or authorities and that, for these systems, sale to a larger well-capitalized and well-run regulated public utility or entity can be prudent because it can facilitate necessary infrastructure improvements and access to capital markets, and, ultimately, it can ensure the long-term provision of safe, reliable service to customers at reasonable rates. Id. at 5.

f. *Towamencin*

Towamencin comments that the RRR is a significant change to the process of Section 1329 applications that is beyond the power of the Commission to effectuate through a TSIO. Towamencin states that the Pennsylvania Supreme Court has explained the difference between a general statement of policy and policies that have the force of law. In this regard, Towamencin notes that an agency may establish binding policy through rulemaking procedures or adjudications and that a general statement of policy is merely an announcement to the public of the policy which the agency hopes to implement in future rulemakings or adjudications. Towamencin also notes that a substantive rule establishes a standard of conduct that has the force of law, while a general statement of policy does not establish a binding norm. Towamencin states that the 2024 TSIO is not a general statement of policy, that it would have a substantive effect on how Section 1329 applications are processed as the Commission would be taking into account a factor that is not currently provided by Section 1329, that it does not announce the Commission's intentions for the future, and that it seeks to establish a binding norm that changes Section 1329 applications. Additionally, Towamencin states that the intent of the General Assembly is clear that Section 1329 encompasses a preference for acquisitions of municipally-owned water and wastewater systems by investor-owned public utilities and that the legislative history must be taken into account when considering the reach of the 2024 TSIO. Towamencin further states that the Commission cannot, without further directive from the General Assembly, exercise its power when that power was clearly not conferred upon it by the General Assembly and that the General Assembly would not expressly confer or necessarily imply that the Commission holds the power to act against its stated preference for acquisitions of water and wastewater systems. Towamencin, therefore, opposes the 2024 TSIO and the RRR in particular. *Id.* at 4–6.

g. *PSATS*

PSATS notes that it does not fully understand the RRR, but would support it if it will limit unreasonably high FMV appraisals and sales. PSATS Comments at 2.

h. *CWA*

CWA suggests that utility assets be classified as distressed or non-distressed with distressed referring to a utility that is facing severe challenges or conditions that hinder its ability to function effectively and can be characterized as: rapidly failing or facing significant unsustainable operational and/or financial issues that impact its ability to provide essential services to its service area, or being in a state of functional crisis or significant disrepair requiring immediate attention and intervention to address challenges and ensure the provision of vital services to the community. CWA states that the valuation method proposed should be used for distressed assets, but that the RRR for non-distressed assets should be 1.0. CWA Comments at 3.

2. *Public Utility Comments*

a. *Aqua*

Aqua notes that it generally agrees with the RRR, but that using a 10-year average for the RRR would reduce the overall RRR using the existing data. Aqua also notes that, since FMV transactions span multiple years from the bid process to the ultimate processing of an application with the Commission, the RRR at the time the acquiring and selling utility enter into an APA may be different than the RRR that is published at the time the

transaction is before the Commission for decision. Aqua states the RRR that should apply to a transaction is the RRR that was in place at the time the acquiring and selling utility enter into an APA. Additionally, Aqua asks the Commission to clarify that the RRR dictates what is allowed in ratemaking rate base and does not impact the purchase price of a transaction since acquiring and selling utilities may enter into agreements with purchase prices greater than the RRR and the difference between the two would be goodwill. Aqua Comments at 7-8.

Aqua also asks for guidance stating that evidence of affirmative public benefits for water and wastewater acquisitions is compliance with the guardrails associated with the RRR. Aqua notes that the RRR is meant to address the impact on customer rates and that it believes the Commission should provide further guidance and weighting on what constitutes additional evidence of affirmative public benefits. Aqua lists the following as examples: addressing operational, staffing, managerial and financial issues; consolidating water and wastewater systems; economies of scale; charging appropriate rates to ensure maintenance and replacement of infrastructure; accelerated infrastructure replacement plans; training for employees and emergency response best practices; asset management; water quality compliance; addressing sanitary sewer overflows, consent orders, notices of violation; cyber security planning and execution; and standard operating procedures and safety protocols. *Id.* at 8-9.

b. *PAWC*

PAWC states that it is concerned, generally and with respect to the RRR, that the Commission is seeking to establish binding norms. PAWC recommends that the Commission's FSIO clearly state that it does not establish binding norms. PAWC points out that, when implementing Chapter 14, the Commission expressly stated that implementation orders should not be construed to create binding norms. PAWC states that, if the Commission intends to strictly enforce any of its proposals, it must adopt a regulation, rather than an implementation order. PAWC Comments at 12-13.

PAWC states that it is particularly concerned that the Commission will apply the RRR as a binding norm, which would be contrary to the Commission's prior interpretation of Section 1329 that Section 1329 does not contain valuation guardrails. PAWC explains that the purchase price of most if not all Section 1329 acquisitions have been less than the average of the two appraisals completed by UVEs and, thus, it is unclear why valuation guardrails are needed. PAWC also notes that the proposal is similar to House Bill 1865, which would cap the purchase price at 125% of the depreciated original cost of a system, and that that the Commission cannot rewrite statutes because it can only exercise the powers granted to it. PAWC further notes that that using the RRR to set a cap on the purchase price of a system would be bad public policy in that this approach could reduce competition for bidding and undermine the legislature's intent to encourage the sale of municipal systems. In addition, PAWC comments that the Commission has many other tools at its disposal, such as requiring that the increased revenue requirement be paid entirely by the existing customers of the selling system. PAWC states that focusing on the Commission's authority to decide who pays the cost of higher utility rates would be more consistent with Section 1329 than limiting the purchase price that the parties can negotiate. *Id.* at 13-14.

Moreover, PAWC states that the RRR cannot be a litmus test for approval of a Section 1329 application but

can merely be one of many public interest factors that the Commission takes into consideration. PAWC notes that, although the Commission must consider rate impacts, there is a difference between the RRR and rate impacts. PAWC states that the Commission cannot disapprove a transaction based solely on the RRR and suggests that the Commission consider all of the facts of record in a particular case. In particular, PAWC asks the Commission to consider other factors, including: regionalization; consolidation; need for, and comparative ability of, the buyer and the seller to make improvements to the system; comparative ability of the buyer and seller to make environmental improvements; comparative technical fitness of the buyer and the seller; comparative financial fitness of the buyer and the seller; comparative legal fitness of the buyer and the seller; impact of the transaction on all stakeholders; comparative customer service; comparative low-income assistance programs; comparative procedures to resolve service and rate disputes; comparative abilities of the buyer and the seller to enhance conditions for economic development; comparative ability of the buyer and the seller to attract capital investment for infrastructure remediation and improvements; job retention and creation; comparative ability of the buyer and the seller to engage in research and development of industry technology; seller's desire to continue as owner or operator; financial and tax benefits to the community; comparative number of customers over whom costs can be spread; the limitation of unnecessary competition; the equitable shift of financial burdens, and other relevant public interest factors. PAWC also states that the RRR should not be given undue evidentiary weight, but that, if the ratemaking rate base does not exceed the rate base calculated using the RRR, the Commission should not consider the rate impact of the acquisition to be a detriment. *Id.* at 15–17, 22.

PAWC further comments that the Commission should clarify the RRR proposal to avoid legal challenges and revise the RRR formula to make it more equitable. *Id.* at 21. First, PAWC explains that Section 1329(g) defines the FMV of a utility system as “[t]he average of the two utility valuation expert appraisals conducted under Section 1329(a)(2)” and that the 2024 TSIO proposes to determine the FMV and that the Commission would utilize the EV of the IOUs as a relevant proxy, although the statutory definition cannot be changed. PAWC states that the Commission’s phrasing suggests that it is unlawfully re-defining the FMV and that the Commission should clarify that it is not trying to re-define this term. Second, PAWC asks the Commission to clarify that the controlling RRR is the one that applied at the time the APA was executed. With regard to the RRR being published annually, PAWC notes that it is common for an APA to be entered into and the resulting application to come before the Commission for a final decision more than 12 months later and that, as a result, the parties might enter into an APA that would satisfy the RRR when it was signed, but not satisfy the RRR when the matter comes before the Commission for a decision. *Id.* at 22.

Finally, PAWC asks the Commission to utilize a Rate Base Proxy in lieu of Net PP&E in its RRR formula. PAWC states that the problem with the Commission’s formula is that a focus on depreciated original cost (DOC), using Net PP&E as a proxy, ignores other material adjustments that are made to plant, property and equipment that a public utility is allowed to incorporate into its ratemaking rate base. PAWC also states that use of actual rate base, as opposed to Net PP&E, would be

the truest and most equitable manner for the Commission to determine an RRR. PAWC further explains that it would establish a fair guidepost by which to assess whether the FMV, as determined by Section 1329 with the lower of purchase price or the average of two UVE appraisals, is a public benefit or detriment, which would then be weighed among other relevant factors in making an overall affirmative public benefit determination. While PAWC understands the Commission’s desire to keep the RRR formula as simple as possible for its staff to calculate, it notes that Commission staff could arrive at a fair Rate Base Proxy by making a few material adjustments to Net PP&E using publicly available information. PAWC proposes the following basic formula for the determination of Rate Base Proxy, which would be used as the denominator in the RRR formula:

$$\begin{aligned}
 &+ \text{Gross PP\&E} \\
 &- \text{Accumulated Depreciation} \\
 &= \text{Net PP\&E} \\
 &- \text{Deferred Taxes} \\
 &+ \text{Regulatory Assets} \\
 &- \text{Regulatory Liabilities} \\
 &- \text{Contributions in Aid of Construction (CIAC)} \\
 &- \text{Customer Advances} \\
 &= \text{Rate Base Proxy}
 \end{aligned}$$

PAWC states that this is a simple formula that would not involve much additional effort by Commission staff to determine the RRR and that its use would result in a more appropriate RRR to be used by the Commission in assessing whether the FMV of the acquired system, as would be rate based by the acquiring public utility, is a public benefit or detriment. PAWC attached an Appendix A to its comments containing a spreadsheet showing how the RRR would be calculated using Rate Base Proxy as the denominator instead of Net PP&E. *Id.* at 23-24, Appendix A.

PAWC further explains that Use of the Rate Base Proxy in the RRR formula would be more consistent with the legislative intent of Section 1329, as such intent was expressly recognized by the Commission in its earlier Section 1329 implementation orders. PAWC notes that municipal entities would be allowed to realize an amount closer to the FMV of their assets in order to address financial challenges. PAWC also notes that the Commission’s adoption of an RRR will inevitably impact the amounts bid for municipal systems and that investor-owned public utilities simply cannot overbid on systems and have their shareholders absorb a substantial premium between the allowed ratemaking rate base and the purchase price. Thus, regardless of which RRR formula the Commission finally adopts, PAWC asserts that municipalities will inevitably realize less than what their assets are truly worth, a result that is contrary to legislative intent. PAWC recommends that the Commission err on the side of allowing municipal entities to realize an amount that is closer to FMV, as defined by statute, by using PAWC’s proposed Rate Base Proxy instead of the Commission proposed Net PP&E. PAWC contends that it is the best way, under current circumstances, to balance the needs of consumers, utilities, and the general public. *Id.* at 24-25.

3. *Advocate Comments*

a. *SPWSPG*

SPWSPG states that the RRR of 1.68 indicates that the Commission believes it is reasonable to buy a system marked up by 68 percent over the book value, but that this is counter to the public interest. SPWSPG suggests

that the RRR be the actual depreciated book value of the system, less contributed assets. It states that other valuation methods lead to excessive rate hikes and that, by allowing inflated prices, Act 12 incentivizes the sale of healthy municipal utilities. SPWSPG notes that none of the 22 sales involved a distressed utility. SPWSPG Comments at 1.

b. *OCA*

The OCA supports the intent to provide guidepost to assist in determining the prudence of applications. The OCA asserts, however, that the RRR should not be a test of presumptive reasonableness or a determination that the application is in the public interest, but rather one factor among many. The OCA also asserts that the RRR should not override *McCloskey* and *Cicero*, which clearly require the Commission to consider the rate impact of the transaction as part of the overall consideration of whether there are substantial affirmative public benefits from the proposed transaction. Additionally, the OCA states that it prefers a fixed value guidepost of 1.25x because the use of the RRR raises variability and timing concerns. OCA Comments at 17-18.

The OCA explains that the acquisitions with final Commission orders have added \$1.09 billion of ratemaking rates base to the rate bases of Aqua, PAWC, and Veolia, and that the ratemaking rate bases are almost all multiples over the depreciated original cost. The OCA also explains that setting the ratemaking rate base at multiples over depreciated original cost plus the increased cost of ownership of an investor-owned utility caused a combined annual revenue shortfall of \$85,218,654 at the time of closing on these transactions due to differences between the revenues collected from the acquired customers and the revenue requirements for the acquired customers using the ratemaking rate base created by the FMV. The OCA states that consumers are paying \$85 million more each year for water and wastewater service due to the valuation under Section 1329 for these transactions, and that pending applications would add another \$18.8 million of annual revenue deficiencies. The OCA also states that the average rate base per customer for both Aqua and PAWC has grown significantly since 2016. The OCA provides tables depicting the ratemaking rate base, annual revenue requirement deficiency, and average rate base per customer. The OCA notes that the data paints an increasingly grim picture that Section 1329 has created an incentive for investor-owned water and wastewater utilities to purchase municipal utilities at significantly inflated prices to the detriment of consumers. Further, the OCA states that the issue is not the price a buyer can or should pay, but rather what amount can be put into rate base and paid by customers versus what amount should be paid for by the acquiring utility. Id. at 18—23.

The OCA suggests that the rate impact of future Section 1329 valuations can be lessened by using a fixed cap on what can be proposed to be collected from customers, particularly a fixed guidepost of 1.25x. The OCA explains that a variable could cause issues during the relatively long time that it might take from public hearings to the filing of an application with the Commission when the guidepost might change. The OCA states that the overall standard remains that an affirmative public benefit is required before the Commission can approve an acquisition, but that a fixed guidepost would permit a buyer to include 25% more than depreciated original cost in rate base, even if the acquired system is not troubled. The OCA also notes that this approach

maintains the higher calculation for depreciated original cost, as defined in Section 1329(d)(5), but would make a significant difference for consumers. The OCA states that, under this approach, a utility can pay anything it wants for another utility and shareholders would bear the costs associated with the acquisition above a certain threshold. The OCA also states that using a 1.25x cap would have resulted in 39% less being added to the ratemaking rate base under the current paradigm. The OCA provides a table as an example of what a maximum multiple would do to constrain FMV. Id. at 22—25.

Moreover, the OCA asserts that the RRR injects too much variability to serve as a guidepost, even if it is updated annually. The OCA also asserts that the use of a variable guidepost raises the issue of which calculation would be used to determine whether a particular transaction is under the RRR. For example, the OCA notes that, if an APA is signed on January 1, 2024, an application is filed on October 1, 2024, and a Commission vote is scheduled for May 1, 2025, the 2023 RRR would be available when the RRR is signed, the 2024 calculation would be available on the date the application is filed, and the 2025 calculation would be available at the time of the Commission vote. The OCA points out that there is uncertainty about which RRR calculation would be used, which creates complications for notice to customers as the metrics change, and that a fixed metric would create more certainty. Id. at 25-26.

c. *CAUSE-PA*

CAUSE-PA states that it does not take a position on the Commission's proposed RRR. CAUSE-PA Comments at 15.

d. *OSBA*

The OSBA notes that it welcomes the Commission's proposal to provide a benchmark for evaluating the sale price of a municipal water system other than the appraisals submitted by utilities. The OSBA also notes that the RRR is a positive step and should be adopted as a metric to evaluating the reasonableness of acquisition cost subject to the caveat that the RRR should not be presumed to be the floor for acquisition cost, but rather a benchmark for evaluating it. In particular, the OSBA explains that the RRR captures on average what investors are willing to pay for utility shares and that it does not necessarily follow that it represents the premium that customers should reimburse utility shareholders for paying. The OSBA states that the RRR is a useful metric for evaluating how any premium above depreciated original cost should be apportioned between customers and shareholders in the ratemaking process. The OSBA suggests that it may be reasonable to consider that 50% of the RRR in excess of 1.0 could be borne by customers in rates and any premium in excess of that borne by shareholders. As an example, the OSBA provides that, if the RRR is 1.68, an acquisition premium of 34% above depreciated original cost could be deemed reasonable for inclusion in rate base. The OSBA asks the Commission to adopt the RRR as a starting point to determine the share of an acquisition to be paid by customers through rates and states that, if the RRR is used in the manner it describes, it can support normal economic incentives in the Section 1329 acquisition process. OSBA Comments at 4-5.

4. *Legislature Comments*

a. *Honorable Senator Comitta*

Again, Senator Comitta notes that she appreciates the Commission's consideration of guiderails to enhance uniformity in the process and better protect consumers.

Senator Comitta states that she is interested in learning about the proposed RRR, but that without more context and information on how it will be used, it is difficult to gauge their potential impact and benefits. Comitta Comments at 2-3.

b. *Honorable Representative Cutler*

Representative Cutler comments that he appreciates the Commission's attempt to implement an RRR and notes that this measure plays to the strength of the Commission given its long-standing experience with quarterly earnings reports and calculating reasonable rates of return for public utilities. Cutler Comments at 1.

5. *Individual Comments*

a. *Mr. Mrozinski*

Mrozinski asks the Commission to focus the sale process on its true merits, the infrastructure needs, and the ability of the municipality to meet those needs. Mrozinski also states that the RRR should be set at one. Mrozinski comments at 3.

b. *Mr. Ferguson*

Ferguson states that the RRR proposal lacks context. Ferguson asks what a reasonable RRR is and how it would have been used in past acquisitions. Ferguson notes that the RRR could become a bureaucratic exercise. Ferguson Comments at 3-4.

c. *Mr. Sauer*

Sauer comments that the Commission should stop predatory pricing by mandating that the RRR cannot exceed 1.0 times the actual book value. Sauer Comments at 2.

d. *Yordan, et al.*

Yordan, et al. note that an RRR of 1.7 implies that paying a market multiple to purchase a municipal system is reasonable and not harmful to ratepayers, although this isn't true. They point out that, in the case of Willistown Township, the 86% increase in sewer rates in Aqua's first rate case after the acquisition was almost entirely attributable to the price paid by Aqua of \$17.5 million. They state that, if Aqua had paid 1.7 times book value for the system instead of 3.9 times book value, the net present value cost to ratepayers would have been \$23 million, which still constitutes a substantial amount. They also state that future capital investments made by investor-owned utilities are financed at higher costs than financially healthy municipalities can achieve in the tax-exempt bond market and that rate base additions for future investments will result in higher rate increases under the ownership of an investor-owned utility compared to a municipal system. Additionally, Yordan, et al. state that there is little value to nonbinding guidelines as proposed with respect to the RRR. They note that, historically, such guidelines are not meaningful vehicles for public protection and that, until the Commission denied PAWC's acquisition of Brentwood's wastewater assets, the Commission had overturned every ALJ decision recommending denial of an acquisition. Therefore, Yordan, et al. suggest that the RRR concept be eliminated entirely. They state that the only barometer for a transaction should be reasonableness under Section 1102 of the Public Utility Code. Yordan, et al. Comments at 2-5.

e. *Mr. Cawley*

Cawley states that the RRR proposal is an attempt to bring rationality and fairness to an irredeemably unconstitutional law designed to usurp the Commission's fundamental authority and end-run the Commission's statutory

duty to ensure that every public utility rate is just and reasonable, and that the proposal suffers from needless complexity caused by the statute's unprecedented switch from depreciated original cost to FMV. In addition, he explains that, as is the case with determining a just and fair overall rate of return on the utility's rate base using comparable earnings by a barometer group of similar companies, the choice of barometer group members significantly influences the outcome. He notes that the same is true when a barometer group of similar municipal systems is chosen for comparison purposes to arrive at an individual system's FMV and that the result can vary significantly depending on the discretionary inputs. He states that this drawback exists with the 2024 TSIO's fourth proposal relying on comparable barometer groups. Cawley Comments at 1-3, 28.

f. *The Carls*

The Carls comment that the RRR proposal reads like it is written to intentionally confuse the layperson. They further state the proposals are nothing and that they are perfectly happy with their water and rates. Carls Comments at 2.

g. *Mr. Osei*

Osei suggests that the PUC bind itself to deny all Section 1329 applications with a RRR over 1.0 because premiums over depreciated cost being included in the rate base should be subject to more scrutiny than Section 1329 requires, and municipalities and utilities should be encouraged to use another acquisition procedure. Osei Comments at 1.

h. *Mr. Smeltzer*

Smeltzer states that the present approach using the lesser of the purchase price or the FMV is logical, particularly in the case of distressed utilities where IOUs assume additional risks. Smeltzer also states that IOUs are not exposed to the same level of risk with well-maintained and efficiently managed utilities and, consequently, the incentive received by IOUs should be moderated. Smeltzer suggests capping the benefit at original cost less depreciation for non-distressed systems to ensure a fair and proportionate approach to incentivizing IOUs while reflecting the varying levels of associated risk with different utility scenarios. Smeltzer Comments at 1.

B. *Reply Comments On RRR*

1. *Public Utility Reply Comments*

a. *Aqua*

Aqua agrees with the Commission's RRR proposal and does not agree with the recommendations to arbitrarily lower the RRR to a number not supported by readily observed public market valuations. Aqua asserts that the proposed RRR is a significant proposal that will guide the stakeholders in this process. Aqua believes that potential sellers and those that advise potential sellers will take into consideration the RRR in evaluating and negotiating a purchase price. Aqua does not support any other actions at this time to change the Commission's RRR proposal and believes it should be given time to take effect, drive conversation for those stakeholders involved in these processes, and evaluate the impact. Aqua Reply Comments at 5.

Additionally, Aqua states that it does not agree with the notion that public utility assets should be classified as distressed or non-distressed. Aqua explains that there are already municipal requirements for when bids are required, and bidding often only serves to increase the purchase price. *Id.*

b. PAWC

PAWC believes that OCA's proposal to use 1.25x of depreciated original cost as a fixed cap or the maximum that would be allowed for ratemaking rate base is an attempt to nullify the statute. PAWC explains that OCA's proposed cap is inconsistent with the statute, at an arbitrary threshold with no rational basis, and in stark deviation from FMV. PAWC elaborates that the intent of the statute is to encourage acquisitions in the interest of regionalization and consolidation through a FMV approach to valuing municipally owned assets, with FMV being defined in the statute. PAWC Reply Comments at 8-9.

PAWC again encourages the Commission to modify its proposed RRR formula to utilize a Rate Base Proxy in lieu of Net PP&E to create a fair guidepost to be weighed among other relevant factors in making an overall affirmative public benefit determination. PAWC explains that this would be more consistent with the legislative intent of Section 1329 in that municipal entities would be allowed to realize an amount closer to FMV to address financial challenges. *Id.* at 9.

PAWC disagrees with OSBA's proposal to consider requiring a premium above an arbitrary threshold of 50% of the RRR in excess of 1.0 to be borne by shareholders as this is not compatible with the statute. PAWC explains that encouraging shareholders to absorb a premium on the transaction price disincentives public utilities from moving forward with such necessary acquisitions. *Id.* at 12-14.

2. *Advocate Reply Comments*

a. OCA

The OCA raises concerns about the RRR including that it is not a fixed number and that it cannot be the determining factor as to whether a proposed transaction meets the affirmative public benefits standard and should be viewed as one factor among many in determining whether a proposed acquisition meets the legal standard set out in Section 1103 of the Public Utility Code. The OCA shares the concern that the ratemaking rate base allowed should have a limit if FMV continues. The OCA reiterates that the revenue requirement impact of the initial FMV for the twenty acquisitions that have closed to date is more than \$85 million per year. The rate impact of these acquisitions has resulted in substantial rate increases for existing and acquired customers while shareholders have received a return of and on that inflated rate base. OCA Reply Comments at 12-13; 15.

The OCA agrees with Aqua that the RRR should address ratemaking base but not the purchase price. The OCA takes no position on the price of a utility plant and notes that the issue is what amount can be put into rate base and paid for by customers versus what amount should be paid for by the acquiring utility. *Id.* at 13.

The OCA asserts that the guidepost should be a fixed multiple, not a calculation that can be modified to reach a specific result. The OCA further asserts that a fixed guidepost also addresses all the timing issues that have been raised regarding which RRR should be used and when that determination is made. *Id.* at 14.

The OCA does not agree with PAWC's proposed rate base proxy and maintains that Section 1329 is a valuation tool but did not amend the legal requirements contained in Sections 1102 and 1103 of the Public Utility Code. *Id.*

C. *Conclusion On RRR*

A number of commentors agree that the Commission's annual publication of an RRR will be useful. Some commentors, however, note concerns regarding the method of calculating and comparing the RRR as well as the Commission's intended use of the RRR. Here we clarify the way in which the RRR is calculated. We also modify the proposal to use a ten-year, rather than seven-year, data set and explain to what the RRR will be compared. We remind commentors that, as we stated in the 2024 TSIO, the RRR is not binding. With these clarifications and modifications, we adopt the proposal to annually publish an RRR to serve as an additional factor and point of reference that the Commission may consider in Section 1329 proceedings.

To evaluate the FMV, we will utilize the EV of the investor-owned utilities (IOUs) as a relevant proxy. As noted in the 2024 TSIO, the EV is a comprehensive valuation of the IOUs and is readily available to the public for each of these IOUs given their publicly traded status.¹¹ To determine the DOC of these IOUs, we will utilize the Net PP&E included on each of the company's balance sheets. We reiterate that Net PP&E is an appropriate proxy for DOC since it represents the total value of the physical assets of the company less depreciation. The RRR is the ratio of these two numbers, with EV being the numerator and Net PP&E being the denominator, such that Reasonableness Review Ratio = Enterprise Value / Net Property, Plant & Equipment.

We will publish the RRR annually, comprised of the average of the RRR barometer group information set scraped four times a year. The EV and Net PP&E information will be comprised of values for each indicator at the end of all four quarters.¹² As proposed in the 2024 TSIO, the data set will begin in quarter one of 2017. However, we modify the proposal to use a ten-year data set.

In the 2024 TSIO, we proposed the calculation of a RRR based on a seven-year data set. The seven-year data set, made up of 28 quarterly periods, would be updated annually to include the most recent four quarters and to remove the most dated four quarters. Consequently, this would result in a seven-year rolling average data set for RRR. The seven-year data set was proposed as it covered the time period between the passage of Act 12 and the adoption of the 2024 TSIO.

Upon review of the comments, we believe use of a larger data set is rational and prudent. However, we believe that the data set should not include information that precedes the passage of Act 12. Therefore, we submit that the RRR should commence with the initially proposed seven-year data set while adding an additional annual period, or four quarters, with every subsequent RRR publication until the total set reaches ten years. Once the ten-year data set is reached, the Commission should then utilize a rolling average of ten years. Such revision will work to capture more data for the calculation of the RRR, reducing the potential for volatility in the RRR calculation and instilling an increased level of gradualism.

Additionally, since the RRR is intended to be available as a reference for Section 1329 transactions, we clarify to what the RRR will be compared. As many commentors acknowledge, it is the addition to rate base, which is not

¹¹ Enterprise Value is calculated via the following: Market Capitalization + Debt—Cash.

¹² The Net PP&E quarterly information will lag one quarter due to the timing of Securities and Exchange Commission reporting.

necessarily the purchase price, that is critical to evaluating the costs and benefits of a transaction. Pursuant to Section 1329(c)(2), 66 Pa.C.S. § 1329(c)(2), the addition to the acquiring utility's rate base is the lesser of the purchase price and the average of the two UVE appraisals, or the FMV. The rate base addition will be divided by the DOC of the system to provide a resulting ratio for the transaction that can be compared to RRR. This number is referred to as the Market Value Ratio (MVR).

The DOC of the system is needed to calculate the MVR. Therefore, we are requiring UVEs to include the DOC of a system in their appraisals and we modify Appendix C, Additional Guidelines for UVEs, as follows:

2. Cost approach materials shall:

- e. include the original cost of the system and the original cost less depreciation, even if original cost was not the chosen measure of value

We also modify Appendix D, UVE Direct Testimony Template, as follows:

Q. If you did not use the original cost method, what is the system's original cost and original cost less depreciation?

- A. Those values are _____ and _____.

However, UVEs are not required to select DOC as the chosen method of cost valuation; they are only required to provide the DOC for comparison purposes. The Commission will use the average of the two UVEs DOCs, along with the proposed rate base addition, to calculate the MVR, which is compared to the RRR.

Regarding the nature of the RRR, we clarify, as PAWC suggests, that the RRR is not intended to redefine the FMV under Section 1329. Additionally, as Aqua suggests, we clarify that the RRR does not impact purchase price. Also, we agree with the OCA that the RRR is not a test of presumptive reasonableness or a determination that an acquisition is in the public interest, but rather one factor among many. Lastly, we agree with the OSBA that the RRR should not be presumed to be the floor for acquisition cost, but rather a benchmark for evaluating it. In sum, it should be understood that the RRR does not replace the Commission's current analysis in Section 1329 proceedings.

Likewise, the RRR is not binding, but is an additional factor and point of reference that the Commission may consider in Section 1329 proceedings. We reiterate that the 2024 FSIO should not be construed to create binding norms. See Chapter 14 Implementation at 12-13. Moreover, in considering the RRR in a particular proceeding, we clarify that we will look to the RRR that was in place at the time the selling utility and acquiring utility executed an APA.

VI. *Timing To Effectuate Proposed Changes*

In the 2024 TSIO, we proposed that the public hearing, rate impact notice, and default appraisal weight modifications go into effect 30 days after issuance of a final implementation order. We stated that any applications filed pursuant to Section 1329 after that date would need to be submitted using the modified guidelines and processes in order to be considered. 2024 TSIO at 8.

We also explained that the Commission would publish an initial RRR 30 days after the issuance of any final order in this proceeding and that, thereafter, the RRR would be published annually by the Commission in the month of April, or as soon as practical after the first quarter of the year recognizing the lag in Net PP&E

reporting. We noted we would acknowledge that some transactions may be in the midst of negotiations, and as such, provide due consideration to the timing of the initial RRR release and any initial Section 1329 applications under this proposal. 2024 TSIO at 8.

A. *Comments On Timing To Effectuate Changes*

1. *Municipality Comments*

a. *EMBA*

EBMA notes that it entered into an APA with PAWC dated January 24, 2023, and that it expended a great deal of effort and associated costs in reaching this point of the transaction. EMBA explains that the APA was entered into based on the understanding of the current Section 1329 FMV process. EMBA also explains that an engineering assessment has already been completed and that EBMA's UVE is beginning its analysis. EMBA asks the Commission to consider how the proposed changes will impact transactions that have an APA in place. EMBA states that changing the Section 1329 analysis will be a great detriment to the EMBA because, under the proposed rules, it would need to restart the process, which would require additional costs and time. EMBA requests that the Commission create an exception to the new rules for potential sales that are already subject to an APA. EMBA Comments at 1-2.

b. *PMAA*

PMAA questions whether the proposed standards will be applied retroactively without further comment on the timeframe for implementation. PMAA Comments at 4.

c. *Brentwood*

Brentwood comments that the 2024 FSIO can be applied prospectively only and, thus, cannot impact existing Section 1329 applications. Brentwood notes that it is a substantive rule, albeit an invalid one, because it creates a new controlling standard of conduct that is absent from the governing statute. Brentwood states that a substantive rule and regulation cannot be retroactively construed unless the regulation clearly permits as much. Brentwood Comments at 6-7.

d. *Beaver*

Beaver asks that the Commission find that pending acquisitions such as its sale to Aqua should not be subject to the as-yet finalized RRR. Beaver notes that it executed the APA for the sale of the Beaver Falls wastewater treatment plant and collection system to Aqua nearly two and a half years ago and has spent a year resolving litigation with contributing municipalities before reaching a settlement. Beaver also notes that it spent countless hours, resources, and money based on the existing law and that it would be incredibly unfair to change the rules now. Beaver Comments at 5-6.

Beaver also points out that changing the rules now may violate the Pennsylvania and United States Constitutions, which prohibit ex post facto laws impacting the obligations of existing contracts. Beaver states that applying an RRR calculated after the APA was executed would impair the obligations of both parties to the APA. Beaver explains that, to survive a challenge under the Contracts Clause, if a state regulation constitutes a substantial impairment to a contract, the state may argue that it had a significant and legitimate public purpose behind the regulation, like remedying a broad and general social or economic problem, and a court would need to determine if the state's ex post facto prohibition on the sale of Beaver's system meets that public interest test. Beaver contends

that a court would not make such a determination in its case since it is financially distressed, the system is troubled, and it needs the sale proceeds. *Id.* at 6.

Beaver further notes that the General Assembly has determined that acquisitions under Section 1329 further the public interest and the Commission has relied upon that determination. Beaver asks the Commission to effectuate the original significant and legitimate public purpose espoused by the General Assembly when it passed Section 1329 in support of the sale of water and wastewater systems from municipalities to investor-owned public utilities, especially with respect to municipalities that are far down the road in the process of selling their systems in reliance upon those laws. *Id.* at 7.

e. *Big Beaver*

Big Beaver's comments also concern the pending sale of the Beaver Falls' wastewater treatment plant and collection system to Aqua. Big Beaver explains that it is a municipality that transmits wastewater to Beaver Falls' wastewater treatment plant and that it entered into a Treatment Agreement with Aqua in December 2023 in connection with the sale of the system. Big Beaver notes that it spent a significant amount of time, effort, and resources negotiating and finalizing its Treatment Agreement and believes that the Treatment Agreement is beneficial to the municipality and its residents. Big Beaver requests that the Commission recognize and honor the Beaver Falls' APA as well as its Treatment Agreement with Aqua. Big Beaver Comments at 1.

f. *Patterson, West Mayfield, And Eastvale*

In their respective comments, Patterson, West Mayfield, and Eastvale echo the concerns of Big Beaver. They each explain that they are also municipalities that transmit wastewater to the Beaver Falls wastewater treatment plant and that they each entered into similar Treatment Agreements with Aqua in December 2023 in connection with the sale of the system. Patterson, West Mayfield, and Eastvale state that, like Big Beaver, they spent a considerable amount of time, effort, and resources negotiating and finalizing their Treatment Agreements. They join Big Beaver in asking that the Commission recognize and honor the Beaver Falls' APA as well as their Treatment Agreements with Aqua. Patterson Comments at 1; West Mayfield Comments at 1; Eastvale Comments at 1.

g. *Towamencin*

Moreover, like Beaver, Towamencin comments that, under Pennsylvania and United States constitutional law, the 2024 FSIO cannot retroactively apply to contracts that were entered into prior to its passage, including the APA between Towamencin and PAWC. Towamencin reiterates that Pennsylvania and United States Constitutions prohibit ex post facto laws that impair the obligations of existing contracts. Towamencin states that a violation of the Contracts Clause is demonstrated where a change in state law would effect a substantial impairment of a contractual relationship and that the Contract Clause analysis requires three inquiries: (1) whether there is a contractual relationship; (2) whether a change in a law has impaired that contractual relationship; and (3) whether the impairment is substantial. Towamencin also states that, here, there is no doubt that a contract exists between the Township and PAWC, that the 2024 TSIO represents a change in the law that would impair that contractual relationship since the 2024 TSIO would add requirements to Section 1329 that did not exist when the APA was signed, and that that the impairment of the APA is substantial considering the RRR changes the existing

law and valuation of water and wastewater systems under Section 1329 significantly limited the purchase price of the systems. Towamencin Comments at 7.

Again, like Beaver, Towamencin points out that, if a state regulation constitutes a substantial impairment, to survive a challenge under the Contracts Clause, the State, in justification, may argue that it had a significant and legitimate public purpose behind the regulation, for example, if the intent behind the governmental action was to remedy a broad and general social or economic problem. Towamencin notes that, in order to properly make a decision on such a proffered justification, a court would need to determine whether or not the 2024 TSIO, and its ex post facto prohibition on a sewer system sale, meets that public interest-driven test. Citing the 2016 TIO, Towamencin states that the sale of its system to PAWC will facilitate necessary infrastructure improvements and ensure the continued provision of safe, reliable service to customers at reasonable rates. Additionally, pointing to the 2018 TSIO, Towamencin states that sale of the System to a larger, well-capitalized and well-run regulated public utility can be prudent because it can facilitate necessary infrastructure improvements and access to capital markets, and, ultimately, it can ensure the long-term provision of safe, reliable service to customers at reasonable rates. *Id.* at 7-8.

Further, Towamencin explains that, to approve the 2024 TSIO as written and impair the APA between Towamencin and PAWC, a court must determine that there exists a significant and legitimate public purpose behind this change while recognizing the significant and public purpose behind Section 1329 supporting the sale of the System. Towamencin strongly encourages the Commission to effectuate the original significant and legitimate public purpose espoused by the General Assembly when it passed Section 1329 in support of the sale of water and wastewater systems from municipalities to investor-owned public utilities. In the alternative, Towamencin asks that, where purchase agreements have been executed by municipalities and regulated utilities prior to the 2024 FSIO, and in particular where substantial time and money have been spent towards a Section 1329 application to the Commission, the Commission should establish a non-retroactive rule based on such grandfather status. Towamencin states that doing otherwise is unfair to all parties that, in good faith, relied upon the law. *Id.*

2. *Public Utility Comments*

a. *Aqua*

Aqua suggests that any FMV application that comes before the Commission with an APA executed prior to the entry of a 2024 FSIO should be grandfathered. Aqua explains that these transactions were entered into without the benefit of the most recent guidance and, therefore, should not be evaluated under these standards. Aqua also explains that significant time and effort has been put into these transactions and the 2024 FSIO could disrupt the foundations of the transactions unless they are grandfathered. Thus, Aqua states that the changes should only apply to FMV applications where the APA was executed after a FSIO is issued. Aqua Comments at 8.

b. *PAWC*

PAWC recommends that the Commission reconsider the effective dates in the 2024 TSIO to avoid any potential ex post facto and impairment of contract issues with regard to acquisitions in progress, such as acquisitions for which an APA was signed prior to the adoption of the Motion on

which the 2024 TSIO is based. PAWC asserts that applying the 2024 TSIO to pending transactions is fundamentally unfair to parties who have spent a great deal of time and money to structure deals based on the Commission's existing precedent. PAWC also points out that compliance with the new proposals may be impossible for transactions in progress. For example, PAWC explains that, if an APA has already been signed, compliance with the proposal requiring two public hearings to be held before the APA is not possible. PAWC asserts that an application should not be denied where compliance is impossible and asks that the Commission apply a flexible approach for acquisitions in progress for all proposals. PAWC Comments at 18.

3. *Advocate Comments*

a. *OCA*

The OCA supports the prompt implementation of changes to the public hearing, rate impact notice, and default appraisal weight revisions. The OCA also does not object to the timing of the publication of the RRR with the consideration of its comments on the RRR. OCA Comments at 29–27.

B. *Reply Comments On Timing To Effectuate Changes*

1. *Public Utility Reply Comments*

a. *PAWC*

With respect to the effective dates of the proposals in the 2024 TSIO, PAWC recommends that the Commission consider the proposed effective dates to avoid any potential ex post facto and impairment of contract issues with regard to acquisitions in progress. Consistent with the comments of PSAB and other municipal entities, PAWC believes it would be fundamentally unfair to parties that have expended considerable time, money, and effort to structure transactions based on existing Commission precedent and instructions. PAWC Reply Comments at 19-20.

2. *Advocate Reply Comments*

a. *OCA*

The OCA generally agrees with the Commission's proposed timing contained in the 2024 TSIO. OCA Reply Comments at 18.

C. *Conclusion On Timing To Effectuate Proposed Changes*

Some parties raise concerns about retroactivity. The 2024 TSIO, however, was not intended to propose retroactive requirements. In fact, we acknowledged that some transactions may be in the midst of negotiations, which may impact on the timing to effectuate the changes adopted in the 2024 FSIO.

To be clear, the provisions of this Order are not retroactive. The public hearing, rate impact notice, and default appraisal weight provisions of the 2024 FSIO will go into effect 30 days after the entry of this Order with respect to all acquisitions where an APA has not been executed. For acquisitions where an APA has been executed, including those for which a Section 1329 application has been filed, but not finally accepted, we will consider the unique facts and circumstances of each acquisition and take into account the dates on which the APAs were executed and applications were filed. Scheduling and conducting public hearings, revising the rate impact notices, and adjusting the appraisals to account for default weights may be to the benefit of the selling utility and acquiring utility given that we have determined that the public hearings, rate impact notice, and

default appraisal weights discussed herein are in the public interest. We note, for example, that, even if an APA has already been executed, public hearings may be scheduled and conducted to better inform the public of the transaction between the acquiring utility and the selling utility.

As it pertains to the RRR, we will publish an initial RRR 30 days after entering this Order. We will then publish the RRR annually in the month of April or as soon as practical after the first quarter of the year recognizing the lag in Net PP&E reporting. As noted above, in considering the RRR in a particular proceeding, we will look at the RRR that was in place at the time the selling utility and acquiring utility executed an APA. If no RRR was in place at that time, we will give due consideration to that fact. Again, the RRR does not replace the Commission's current analysis in Section 1329 proceedings.

With regard to the rate impact notice practices that are encouraged but not required prior to executing an APA, if an APA has already been executed, we suggest that applicants carry out these practices as soon as practicable. For instance, if an APA has already been executed, the acquiring utility can still provide estimates and supporting working papers to the selling utility regarding rate impacts on the selling utility's customers.

VII. *Items Not Identified In The 2024 TSIO For Review*

As noted above, in the 2024 TSIO, we sought comments and reply comments regarding specific revisions to the Commission's existing Section 1329 procedures and guidelines in four areas, including revisions for public hearings, the rate impact notice, the default weights for appraisals, and the RRR. A number of comments and reply comments were received, however, discuss items not identified in the 2024 TSIO for review and modification. We address these comments and reply comments below.

A. *Comments On Items Not Identified In The 2024 TSIO For Review*

1. *Municipality Comments*

a. *Warwick*

Warwick suggests helping water and sewer authorities with reporting and testing requirements and providing grants for infrastructure improvements prior to allowing a municipality to consider selling a system. Warwick Comments at 1.

b. *PMAA*

PMAA suggests that return on equity be limited, even though it is not part of Section 1329. PMAA states that the OCA should be bolstered to include ratepayer advocates assigned to transactions to help guide customers through the Section 1329 process. Citing *Cicero*, PMAA further suggests that the Commission apply existing case law when evaluating Section 1329 applications. PMAA Comments at 1, 4.

c. *CWA*

CWA suggests that the Commission require selling utilities to issue a public bid notice and require respondents to provide a detailed analysis of the projected rates for 10 years after a proposed sale, which will become part of the agreement to purchase the utility and must be honored without change. CWA states that all bids should be made accessible to the public before any public hearings. CWA also suggests mandating the selling utility to conduct an independent assessment of all offers and rate projections and to share the analysis through public

notices and hearings. Further, CWA recommends that the Commission require municipal utility sales to receive approval through a majority vote of the residents registered to vote in a local referendum held during a scheduled local election before it can be finalized. CWA also notes that the Commission should carefully evaluate each Section 1329 acquisition to determine whether there are substantial affirmative public benefits. CWA Comments at 3-4.

2. *Public Utility Comments*

a. *Aqua*

Aqua proposes that the Commission include examples of what public benefits should be included in a FMV application that would satisfy the substantial public benefits test that is being used to evaluate FMV applications in its current form. Aqua states that it is unclear and is leading to increased litigation and appeals. Aqua notes that each FMV application will have a rate impact of some kind and that often the benefits that derive from these transactions are realized over many years and are not immediately quantifiable at the time of the application. Aqua Comments at 8.

3. *Advocate Comments*

a. *SPWSPG*

SPWSPG claims that privatization deals are done in the dark behind closed doors and that local officials often sign non-disclosure agreements that keep the deal from the public until contract language is finalized. SPWSPG states that this has eroded the public's trust and that Section 1329 should explicitly require public bidding with prior public notice and prohibit non-disclosure agreements. SPWSPG Comments at 1.

b. *OCA*

The OCA notes that 27 applications have been filed pursuant to Sections 1329 of the Public Utility Code and that it has participated in each filing proceeding. The OCA states that these proceedings have provided valuable experience in understanding how applications filed under Sections 1329 and 1102 proceed and how to work within the short timeframe provided for the development of a record and litigation of a case. The OCA also notes that the Commission must consider including *McCloskey* and *Cicero*. The OCA points to a number of issues that arise in the course of application proceedings under Section 1329 that are part in the 2024 TSIO and suggests modifications to procedures for adoption by the Commission. OCA Comments at 1-2, 27.

First, the OCA notes that the 2019 FSIO provides that a docket will remain inactive until a Section 1329 application under that docket number has been formally accepted by the Commission and that filings in an active docket will not be considered until the time at which the docket becomes active. The OCA recommends changing this practice because, if a case is able to move forward while notices are being provided to customers, interested parties could file protests and petitions to intervene, pursue discovery, request public input hearings, and address procedural issues. The OCA notes that, when an application checklist is determined to be completed by TUS, a Secretarial Letter is issued to conditionally accept the application and notices are sent to customers. The OCA also notes that, during this 30-day period, the docket remains inactive, which prevents parties from submitting filings, and does not become active until notices are provided to all customers and the Secretary's Bureau issues a letter stating that the application is

accepted followed by the application being published in the *Pennsylvania Bulletin* with a protest deadline. The OCA states that testimony for non-applicant parties is due within a few days of the prehearing conference and that it is not practical for a party that has not been involved since the filing of the application to appear at a prehearing conference and file testimony a few days later. The OCA asserts that permitting the docket to be active when an application is not finally accepted would be similar to what happens when a formal complaint is filed against a rate filing and the parties proceed with discovery even before suspension of the case for investigation. The OCA suggests an addition to this process by making the ALJ available to address procedural issues and public input hearings. Id. at 27-28.

Next, the OCA notes that, in the 2019 FSIO, the Commission rejected requests for standard modified discovery periods, but encouraged applicants to propose discovery rule modification and parties to enter into mutually agreeable discovery schedules. The OCA states that working through these issues in each case should not be required after seven years and 27 applications and that it is reasonable to adopt modified discovery timeframes as part of the filing of a Section 1329 application. The OCA proposes the following for all Section 1329 applications:

A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.

B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) calendar days of service of the interrogatories and/or requests for production.

Id. at 29-30.

Further, the OCA notes that the Commission has recognized that the six-month suspension period is directory and not mandatory and that it has the discretion to extend the time period to permit appropriate due process to all parties. The OCA states that Section 1329 does not eliminate the Commission's adjudicatory discretion to provide appropriate due process to all parties. The OCA notes that there are still proceedings where the six-month suspension period does not line up well with a Commission public meeting. The OCA recommends that the Commission should, as part of the 2024 FSIO, automatically extend the suspension period to a public meeting date that ensures there is at least a full six months for litigation. Id. at 30-31.

4. *Individual Comments*

a. *Mr. Mrozinski*

Mrozinski states that the Commission should focus its evaluation on the true costs and benefits to the community and to ensure that the public has adequate information and can provide meaningful input. Mrozinski also states that the public should be provided with a ratepayer advocate to represent their interests. In this regard, Mrozinski suggests that the OCA get involved in cases before the APA is submitted to the Commission for approval. Mrozinski also states that the Commission should deviate from the ALJ's recommendations only if there is quantifiable reasoning. Further, Mrozinski asks that public meetings be actively publicized and structured

to allow open public discussion because the current process involves strict time limits. Mrozinski Comments at 1, 3-4.

b. *NGT Residents*

The NGT Residents state that sales should be based on the needs of the system and the community, not money. In addition, they suggest that the residents be involved in the sale. The NGT Residents also suggest that the claimed benefits be quantified with detailed supporting data, that sales be justified independent of the sale price, records may not be deemed confidential, that the requirement for a quantifiable net public benefit must be met, and that the Commission should have quantifiable reasoning to support any deviation from an ALJ's recommendation. NGT Residents Comments at 1-2.

c. *Cawley*

Cawley suggests that the Commission reduce the overall rate of return to reflect the inflated ratemaking rate base amounts adopted by an inappropriate and unconstitutional FMV method. In addition, he recommends that the Commission exercise more stringently its authority to deny Section 1102 applications if Section 1329 applications will produce excessive rates. Cawley further suggests that the six-month timeframe in Section 1329(d)(2) must be removed or extended and, barring removal, the Commission should, for good cause, treat Section 1329(d)(2) as directory rather than mandatory because it provides no penalty for non-compliance that would render the proceeding a nullity. Cawley Comments at 38-40.

d. *PA Residents*

The PA Residents comment that the Commission should stop the predatory water system pricing and improve transparency in water and sewer privatizations. They request that the Commission not allow large corporations to increase water and sewer prices and set an enforceable limit, not just a guidepost, to prevent unreasonable rate hikes. They also request that the Commission require real transparency in privatization deals by banning non-disclosure agreements, requiring public bidding, and ensuring public input prior to bidding. They claim that local officials are forced to sign non-disclosure agreements to keep a privatization deal hidden from the public until contractual language is finalized. They state that this has eroded the public trust and suggest that the public be notified and engaged at every step of the process. PA Residents Comments at 1.

e. *Mr. Osei*

Osei suggests that the Commission deny or stay all Section 1329 applications until the lawsuits involving the East Whiteland Township and Butler Area Sewer Authority acquisitions are final. Osei also suggests that the Commission bind itself to accept an ALJ's recommendation to deny an application because residents shouldn't have to go through the extensive effort of getting a denial recommendation only for the Commission to ignore it. Further, Osei recommends that the Commission require open bidding under Section 1329 since, in the absence of open bidding, negotiations could take place before a sale is approved. Osei Comments at 1.

B. *Reply Comments On Items Not Identified In The 2024 TSIO For Review*

1. *Public Utility Reply Comments*

a. *Aqua*

Aqua recommends that the Commission adopt the 2024 TSIO with limited clarifications and does not support the

majority of the additional requirements suggested by stakeholders. Aqua Reply Comments at 2-3.

In particular, Aqua does not agree with OCA's recommendation to permit the case to move forward prior to full acceptance being granted. Aqua explains that the application is either perfected or not and the case should move forward with protests, intervention, and discovery only after it has been accepted. Id. at 6.

Aqua also reiterates its request that the Commission provide greater clarity as to what it believes constitutes affirmative public benefit. Aqua enumerates the following considerations for the Commission to consider as guiderails: (1) a transaction's approved ratemaking rate base, if in line with the RRR, would be considered an affirmative public benefit, (2) the rate increases from the acquisition of a water or wastewater utility that result in rates that are less than the utility's weighted average base rates for the majority of its existing customers and are phased in using the concept of gradualism would constitute an affirmative public benefit, and (3) compliance with the Commission assessment of wastewater costs to water customers, including a maximum shift of \$5.00 per month on a water customer bill for a specific proposed transaction and all prior wastewater transactions on a combined basis. Id. at 6-7.

b. *PAWC*

Like Aqua, PAWC does not agree with OCA that conditional acceptance of an application should permit the case to move forward for protests, intervention, discovery, and other procedural issues. PAWC asserts that the extensive application checklist and the TUS deficiency reviews are intended to limit the need for discovery because of the statutory six-month timeline. PAWC further asserts that OCA's request for early discovery is unnecessary and would violate the Commission's Rules of Practice and Procedure because discovery rules do not apply until official acceptance of the application and OCA's proposal would make the acceptance process even more unwieldy and difficult. PAWC Reply Comments at 10-11.

PAWC explains that the TUS review process often goes far beyond assuring the application checklist items have been satisfied and asserts that applicants are now required to go through an unprotested application process before TUS and then a protested application process before an Administrative Law Judge which was never the intent of the Commission's earlier implementation orders and subverts the legislature's intent of a streamlined six-month process. Thus, if the Commission elects to upend its Rules of Practice and Procedure, PAWC believes the role of TUS should be scaled back to the role originally intended by the Commission which is to ensure that applicants have submitted all items required by the application checklist. Id. at 11.

PAWC does not agree with OCA's proposal to modify discovery schedules with shortened response periods as this is unnecessary since the discovery rules have already been routinely modified at the discretion of the presiding Administrative Law Judge to provide short five-day periods for discovery responses. Id.

PAWC also does not agree with OCA's proposal to extend the six-month suspension period to allow the Commission to hold a public meeting and act beyond the six-month window for a decision. PAWC explains that the statute requires the Commission to issue a final order within six months of the filing date of an application and OCA's proposal is inconsistent with the statute. Id. at 12.

2. Advocate Reply Comments

a. OCA

The OCA disagrees with Aqua's proposal to add a list of public benefits to the final order in this proceeding. The OCA notes that the list of benefits would be general in nature without regard to whether there is any specific evidence to support the claimed benefits. The OCA states that providing a long list does not equate to establishing benefits that outweigh the harms identified in an application. The OCA points out that record evidence in each proceeding must be developed based on the specific circumstances. OCA Reply Comments at 18.

3. Individual Reply Comments

a. Yordan, et al.

Yordan, et al. believe that the six-month limitation to adjudicate acquisition cases presents significant due process considerations, especially consideration intervention by citizens, operating pro bono, without staff, without budget, and with no legal training. Yordan, et al. suggest that Commission proceedings should be separated into two cases, one for Section 1329 and one for Section 1102. Yordan, et al. Reply Comments at 3-4.

C. Conclusion On Items Not Identified In The 2024 TSIO For Review

In the 2024 TSIO, we noted that only certain areas of the Commission's Section 1329 guidelines and processes were subject to review and modification. A number of commentors, however, discussed items not identified in the 2024 TSIO for review and modification. At this time, we decline to revise the Section 1329 guidelines and processes as to these items, which include, inter alia, creating a list of public benefits that should be included in a FMV application to satisfy the requisite affirmative public benefits test, requiring public bidding, prohibiting non-disclosure agreements, adopting modified discovery timeframes for all Section 1329 applications, and automatically extending the suspension period for certain Section 1329 applications. The majority of these items have been addressed in prior Section 1329 proceedings and orders.

Similarly, we decline to adopt the OCA's suggested changes regarding docketing Section 1329 applications. As we explained in the 2019 FSIO, a Section 1329 docket will remain inactive until an application under that docket has been formally accepted by the Commission, and filings in an inactive docket will not be considered until the time at which the docket becomes active. 2019 FSIO at 42. The Commission's procedures provide a structured process for evaluating application completeness that often involves substantial time and effort by Commission staff and acquiring utilities. The timeline of perfecting a Section 1329 application depends on a variety of factors over which acquiring utilities, selling utilities, and Commission staff have varying degrees of control. For example, while the OCA characterizes Section 1329 application conditional acceptance as a 30-day period, the length of the conditional acceptance period depends on the conditions imposed, the methods used by the acquiring utility to satisfy those conditions, review of whether conditions have been satisfied, and any delay of application acceptance to provide a consideration period of at least 170 days. In addition, while the OCA asserts that permitting the docket to be active when an application is not finally accepted would be similar to what

happens when a formal complaint is filed against a rate case, rate cases are deemed perfected for filing purposes unless the Commission notifies the filer that the tariff or tariff supplement is not perfected and rejects the filing. See 52 Pa. Code § 53.51(c)(2). Rate cases also involve consideration periods of approximately nine or eleven months, rather than the six-month consideration period provided for Section 1329 applications under Section 1329(d)(2).

Conclusion

For the reasons set forth above, we believe that the revisions to the presently established Section 1329 implementation and administrative regimes adopted herein will improve the general public's awareness of applications, establish more consistent and expected weighing of valuation methods, and assist the Commission in its ultimate review and analysis of Section 1329 applications. The adoption of this 2024 FSIO, which includes modifications for public hearings, rate impact notices, default weights for appraisals, and an RRR is in the public interest. As the Commission stated, Section 1329 applications have elicited a significant interest from the public and policy makers alike. These modifications to the Commission's administration of Act 12 are reasonable and necessary improvements based off our experience of the over eight years implementing the Act and the twenty-seven Section 1329 applications filed to date. *Therefore,*

It Is Ordered That:

1. The Commission hereby adopts the procedures and guidelines set forth in this Final Supplemental Implementation Order.

2. The Commission hereby adopts the Section 1329 Application Filing Checklist attached as Appendix A and as set forth herein.

3. The Commission hereby adopts the Section 1329 Application Standard Data Requests attached as Appendix B and as set forth herein.

4. In addition to others as may be appropriate, the Commission hereby adopts the Additional Guidelines for Utility Valuation Experts, including the jurisdictional exceptions to the Uniform Standards of Professional Appraisal Practice, attached as Appendix C and as set forth herein.

5. The Commission concludes that Utility Valuation Experts registered pursuant to 66 Pa.C.S. § 1329(a)(1) shall submit written direct testimony substantially in the form of Appendix D, and at minimum, addressing the topics contained in Appendix D to accompany all applications for fair market valuation pursuant to Section 1329.

6. A copy of this Final Supplemental Implementation Order and all Appendices shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website.

7. A copy of this Final Supplemental Implementation Order and all Appendices shall be served on all parties of record at the above-captioned docket.

8. This docket shall be marked closed.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: June 13, 2024

ORDER ENTERED: July 2, 2024

Appendix A

**Pennsylvania Public Utility Commission
66 Pa.C.S. § 1329 Application Filing Checklist—Water/Wastewater
2024 Final Supplemental Implementation Order**

Circle No or Yes for each item. If yes, identify the document, section, and page number containing the item as found within the filing including appropriate cross-reference of duplicate documents. If no, provide a detailed explanation of why the information is not included in the filing.

1.	Transmittal letter with caption and statement that the filing is pursuant to 66 Pa.C.S. § 1329.	No	Yes	Page No.
2.	Verification form that is signed by an officer or authorized employee of the company, is dated, and accurately references the case.	No	Yes	Page No.
3.	Certificate of Service indicating that a complete copy of the application with exhibits was served by registered or certified mail, return receipt requested, or by hand delivery, upon the statutory advocates (OCA, OSBA) and the Bureau of Investigation and Enforcement. ¹³	No	Yes	Page No.
4.	Provide responses to Section 1329 Application Standard Data Requests, including electronic working documents (i.e., Excel spreadsheets) for all the filing's schedules, studies, and working papers to the extent practicable.	No	Yes	Page No.
5.	Provide copies of two independent appraisals by separate utility valuation experts for use in establishing the fair market value of the Selling Utility.	No	Yes	Page No.
6.	State the purchase price of the seller as agreed to by the buyer and seller. ¹⁴	No	Yes	Page No.
7.	State the total fees paid to the utility valuation experts for providing the completed appraisals for the acquisition and provide documentation, i.e., the valuation service agreement and all associated invoices, supporting the subject fee amounts.	No	Yes	Page No.
8.	Buyer and Seller Verification Statements:			
	a. Provide a verification statement of the Buyer that its utility valuation expert was selected by the Buyer.	No	Yes	Page No.
	b. Provide a verification statement of the Seller that its utility valuation expert was selected by the Seller.	No	Yes	Page No.
9.	Utility Valuation Expert Verification Statements:			
	a. Buyer Utility Valuation Expert has no affiliation with the buyer or seller.	No	Yes	Page No.
	b. Buyer Utility Valuation Expert determined fair market value in compliance with the most recent edition of the Uniform Standards of Professional Appraisal Practice as of the date of the report employing the cost, market, and income approaches.	No	Yes	Page No.
	c. Buyer Utility Valuation Expert applied applicable jurisdictional exceptions to the submitted appraisal.	No	Yes	Page No.
	d. Seller Utility Valuation Expert has no affiliation with the buyer or seller.	No	Yes	Page No.
	e. Seller Utility Valuation Expert determined fair market value in compliance with the most recent edition of the Uniform Standards of Professional Appraisal Practice as of the date of the report employing the cost, market, and income approaches.	No	Yes	Page No.
	f. Seller Utility Valuation Expert applied applicable jurisdictional exceptions to the submitted appraisal.	No	Yes	Page No.
10.	Estimated or, if available, actual transaction and closing costs incurred by the buyer that will be included in its rate base.	No	Yes	Page No.

¹³ See Notes on last page of this Checklist; filers will be instructed to also serve other parties when the application is accepted.

¹⁴ "Seller" refers to the selling municipality; "buyer" refers to the acquiring entity.

11.	State the ratemaking rate base as required in 66 Pa.C.S. § 1329 and specify whether it is based on either the fair market value determined by the valuation experts or the asset purchase price.	No	Yes	Page No.
12.	Provide a proposed tariff containing a rate equal to the existing rates of the seller at the time of the acquisition and a rate stabilization plan, if applicable to the acquisition.	No	Yes	Page No.
13.	Seller Testimony:			
	a. Provide seller direct testimony supporting the application, if any.	No	Yes	Page No.
	b. Provide seller UVE direct testimony.	No	Yes	Page No.
14.	Buyer Testimony:			
	a. Provide buyer direct testimony supporting the application.	No	Yes	Page No.
	b. Provide buyer UVE direct testimony.	No	Yes	Page No.
	c. Identify in Buyer direct testimony the ways in which the buyer has responded to input received at the public hearings referenced in Checklist Item 26, if any.	No	Yes	Page No.
15.	Plant in Service:			
	a. Provide an inventory of the used and useful plant assets to be transferred. Identify separately any utility plant that is held for future use. ¹⁵	No	Yes	Page No.
	b. Provide a list of all non-depreciable property such as land and rights-of-way.	No	Yes	Page No.
	c. State the DEP-permitted productive or treatment capacity of sources or treatment facility and the pipe sizes and material used for construction for all transmission and distribution or collection facilities.	No	Yes	Page No.
	d. State the elevations of major facilities and service areas.	No	Yes	Page No.
	e. State the approximate time schedule for installation of the various component facilities.	No	Yes	Page No.
	f. State the tentative journal entries for booking the acquisition.	No	Yes	Page No.
16.	Map of Service Area. Provide a scalable map or plan of suitable scale highlighting the boundaries of the proposed service area that includes:			
	a. The extent of the proposed service area with any existing adjoining service areas identified.	No	Yes	Page No.
	b. A north arrow depicting map orientation.	No	Yes	Page No.
	c. A written description of the boundaries for the service territory utilizing bearing angles and distances.	No	Yes	Page No.
	d. Size of the service territory area in terms of acres or square miles.	No	Yes	Page No.
	e. Identification and depiction of all municipal boundaries relative to the service area.	No	Yes	Page No.
	f. Depiction of the location or route of the waterworks or wastewater collection, treatment, or disposal facilities.	No	Yes	Page No.
17.	Customers:			
	a. State the seller's actual number of customers by class and quantify the related consumption or gallons treated in the current calendar year and future number of connections anticipated for the next 5 years and, if available, the next 10 years.	No	Yes	Page No.
	b. Buyer shall demonstrate its ability to provide adequate water supply, treatment, storage and distribution or adequate wastewater collection, treatment or disposal capacity to meet present and future customer demands.	No	Yes	Page No.
	c. For water system acquisitions, quantify the number of public and private fire hydrants.	No	Yes	Page No.

¹⁵ The inventory is to be developed from available records, maps, work orders, debt issue closing documents funding construction projects, and other sources to ensure an accurate listing of utility plant by utility account.

18.	Rates:			
	a. State the current rates of the seller.	No	Yes	Page No.
	b. Provide a copy of the seller's current rules and regulations for service.	No	Yes	Page No.
	c. Provide a proposed tariff or tariff supplement showing the rates, proposed rules, and conditions of service.	No	Yes	Page No.
	d. Provide a copy of the notification which will be sent by the Buyer to affected customers describing the filing and the anticipated effect on rates, including:	No	Yes	Page No.
	i. For the Seller's customers, the overall dollar and percentage rate impacts implicated from stand-alone rates that recover the Buyer's estimated annual gross revenue requirement for the acquired system from the Seller's customers.	No	Yes	Page No.
	ii. For the Buyer's customers, the overall dollar and percentage rate impacts implicated from the following rates: (1) for water applications, rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water customers, or (2) for wastewater applications, both water and wastewater rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water and wastewater customer, respectively.	No	Yes	Page No.
	iii. Clear, plain language information about rate impacts.	No	Yes	Page No.
	iv. A statement that any promise to freeze rates may be unenforceable.	No	Yes	Page No.
	e. Provide a verification statement addressing <i>whether</i> the Buyer provided the Seller with estimates and supporting working papers, including the potential rate impacts that the transaction may have on the Seller's customers, assuming the Buyer's highest proposed purchase price and stand-alone rates that recovery the Buyer's estimated gross revenue requirements for the acquired system from the Seller's customers, prior to execution of the APA.	No	Yes	Page No.
19.	Cost of Service:			
	a. Provide a copy of the seller's two most recent audited financial statements.	No	Yes	Page No.
	b. Provide a copy of the seller's two most recent adopted budgets.	No	Yes	Page No.
	c. Provide a copy of the seller's most recent annual report filed with the Commonwealth's Department of Community and Economic Development.	No	Yes	Page No.
	d. Provide calculations quantifying the projected revenues and expenses for the acquisition.	No	Yes	Page No.
	e. State whether the seller has any outstanding loans on the utility plant and identify the nature, terms, and payment history.	No	Yes	Page No.
20.	Proof of Compliance. Provide proof of compliance with applicable design, construction and operation standards of DEP or of the county health department, or both, including:			
	a. For water system acquisitions, provide copies of the public water supply/water quality management permits for the utility plant.	No	Yes	Page No.
	b. For wastewater system acquisitions, provide copies of the water quality management and National Pollution Discharge Elimination System (NPDES) permits for the utility plant.	No	Yes	Page No.
	c. For wastewater system acquisitions, provide a copy of the Chapter 94 Municipal Wasteload Management Report that was most recently submitted to DEP.	No	Yes	Page No.
	d. Valid buyer's certified operators' certificates appropriate to the facilities being acquired.	No	Yes	Page No.
	e. Provide documentation evidencing a 5-year compliance history with DEP with an explanation of each violation for the seller's utilities that have been providing service as well as provide a copy of any DEP-approved corrective action plans.	No	Yes	Page No.
	f. Provide documentation of all Notices of Violation issued to seller by DEP for the last 5 years, an explanation of each, including a description of any corrective or compliance measures taken.	No	Yes	Page No.

	g. Provide documentation evidencing a 5-year compliance history with DEP of other utilities owned or operated, or both, by the buyer, including affiliates, and their officers and parent corporations with regard to the provision of utility service. ¹⁶	No	Yes	Page No.
	h. Provide a statement clarifying whether the acquired plant will be physically interconnected to the buyer's system or be operated as a standalone system.	No	Yes	Page No.
	i. Provide a statement that explains how the acquisition will fit into the current operations of the buyer.	No	Yes	Page No.
	j. Provide a statement that identifies the staff, district or division of the buyer that will operate and manage the acquisition.	No	Yes	Page No.
	k. Provide a statement quantifying the distance in miles the acquisition is from the buyer's existing system or facilities.	No	Yes	Page No.
	l. Provide a statement that identifies all planned physical, operational and managerial changes of the buyer that will occur after closing and state the timeframe and cost for each.	No	Yes	Page No.
21.	Affected Persons. State the identity of all public utilities, municipalities, municipal authorities, cooperatives and associations which provide public water service or wastewater collection, treatment or disposal service within each municipality, or a municipality directly adjacent to the municipality(ies), in which the applicant seeks to provide service that abuts or is situated within one mile of the applicant's proposed facilities.	No	Yes	Page No.
22.	Other requirements. Demonstrate compliance with the following:			
	a. For wastewater system acquisitions, demonstrate compliance with the DEP-approved Act 537 Official Sewage Facilities Plans for the affected municipalities (including the extent of the requested service territory).	No	Yes	Page No.
	b. For wastewater system acquisitions, provide a copy of the DEP-approved Act 537 Official Sewage Facilities Plans for the affected municipalities.	No	Yes	Page No.
	c. For wastewater system acquisitions, state the method of water service being provided in the requested wastewater service territory (i.e., public water or private wells) and identify the name of water utility, if applicable.	No	Yes	Page No.
	d. For water system acquisitions, state the method of wastewater service being provided in the requested water service territory (i.e., public wastewater or private on-lot) and identify the name of wastewater utility, if applicable.	No	Yes	Page No.
	e. Provide evidence the filing is consistent with the affected municipality and county comprehensive plans if the filing proposes to expand service beyond the existing plant footprint.	No	Yes	Page No.
23.	Additional Verification Statements:			
	a. For water system acquisitions, provide a verification that the water sources and customers are metered in accordance with 52 Pa. Code § 65.7 (relating to metered service). If unmetered water service is currently provided, the applicant shall provide a metering plan to the Commission.	No	Yes	Page No.
	b. Include a statement that there is no affiliation between the buyer and seller.	No	Yes	Page No.
	c. Include a statement that the agreement was conducted at arm's length.	No	Yes	Page No.
	d. Include a statement explaining how the customers will benefit from the Buyer's ownership.	No	Yes	Page No.
	e. Provide a verification statement that the Seller is aware of the potential rate impacts the transaction may have on the Seller's customers, including the overall dollar and percentage rate impacts implicated from stand-alone rates that recover the Buyer's estimated annual gross revenue requirement for the acquired system from the Seller's customers.	No	Yes	Page No.
	f. Provide a verification statement that the Buyer and Seller understand the Commission may shift rate allocations in a manner different from any commitments made in the underlying application.	No	Yes	Page No.
24.	Asset Purchase Agreement (APA):			

¹⁶ Regarding Checklist Item 20(g), Class A public utilities need only submit compliance history for operations in the neighboring areas or a statement attesting to their compliance with this item.

	a. Provide a copy of the APA that is signed by all parties.	No	Yes	Page No.
	b. APA clearly states the purchase price and terms.	No	Yes	Page No.
	c. APA clearly states whether all assets or only a portion of the assets are to be purchased (e.g., water treatment and distribution or wastewater collection and treatment).	No	Yes	Page No.
	d. APA adequately describes the assets to be acquired.	No	Yes	Page No.
	e. APA adequately describes the assets to be excluded.	No	Yes	Page No.
25.	Provide a copy of all municipal and affiliate contracts to be assumed by buyer as part of the acquisition and a list and annual dollar value of other contracts.	No	Yes	Page No.
26.	Public Hearings. Provide a verification statement that at least two in-person public hearings were scheduled and conducted prior to executing the APA, and that:	No	Yes	Page No.
	a. The public hearings addressed the proposed acquisition, described the potential rate impacts, provided the opportunity for public comment, and were held at venues within the municipal boundaries of the Seller, or at the nearest reasonable venues, with Commission notification.	No	Yes	Page No.
	b. The Buyer or Seller notified the Seller’s customers of the public hearings.	No	Yes	Page No.
27.	If seeking a deviation from the default weights established in the 2024 Final Supplemental Implementation Order, provide the request supported by good cause.	No	Yes	Page No.

Notes:

All information disclosed within this application is considered public information unless specifically labeled confidential. Applicants are responsible for disclosing to the Secretary’s Bureau that which is privileged or confidential information and not otherwise available to the public. **Submit one copy of all confidential information, on documents stamped CONFIDENTIAL at the top in clear and conspicuous letters, in a separate envelope (but still attached to the application) to the Secretary’s Office along with the Application.**

If you e-file your application, separately mail any confidential information specifically identifying that you have e-filed the application. Be sure to specify the Applicant’s name, and provide the e-filing confirmation page.

Once the application is reviewed and accepted as filed, the Commission will issue a secretarial letter instructing the Applicant to publish notice in local newspapers of general circulation and to serve (electronically if acceptable to recipient) the following:

- each city, borough, town, township, county and related planning office which is included whole or in part in the proposed service area;
- a water or wastewater utility, municipal corporation or authority which provides water or wastewater collection, treatment or disposal service to the public and whose service area abuts or is within 1 mile of the service area proposed in the application; and
- the Department of Environmental Protection’s central and regional offices.

Appendix B

**Section 1329 Application Standard Data Requests
2024 Final Supplemental Implementation Order
INSTRUCTIONS FOR STANDARD DATA RE-
QUESTS**

Pursuant to the Commission directives in the February 28, 2019, Final Supplemental Implementation Order at Docket No. M-2016-2543193, and in accordance with 66 Pa.C.S. §§ 503—505, the Commission directs that an Applicant(s) requesting fair market valuation of acquired utility assets pursuant to 66 Pa.C.S. § 1329 shall answer the Section 1329 Application Standard Data Requests in writing and shall verify the same on behalf of the Applicant(s).

1) These Standard Data Requests shall be construed as a continuing request. The Applicant(s) is obliged to change, supplement and correct all answers to data requests to conform to available information; including such information as first becomes available to the Applicant(s) after the answers hereto are filed.

- 2) Restate the data request immediately preceding each response.
- 3) Identify the name, title, and business address of each person(s) providing each response.
- 4) Provide the date on which the response was created.
- 5) Divulge all information that is within the knowledge, possession, control, or custody of Applicant(s) or may be reasonably ascertained thereby. The term “Applicant,” “Applicants,” “Company,” whether used generically or by name, or “you,” as used herein includes the Applicant(s), its agents, employees, contractors, or other representatives who will provide data in support of the Application.
- 6) As used herein the word “document” or “workpaper” includes, but is not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium including computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:

a) notations of any sort concerning conversations, telephone calls, meetings or other communications;

b) bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;

c) worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.

7) Documents may be submitted under proprietary or confidential seal, but a claim of confidentiality does not excuse Applicant(s) from providing timely responses.

8) Responses must be provided along with the Application.

9) Pursuant to 52 Pa. Code § 1.36, if persons other than those submitting a verification in support of the Application sponsor responses to these Standard Data Requests each must sign and date a copy of a verification.

Rates/Ratemaking

1. Estimate the potential monthly incremental cost impact on existing and acquired customers following the actual results of the Buyer's most recently adjudicated base rate proceeding, whether litigated or settled, allocating the fair market value of the acquired system according to the Buyer's previously approved single-tariff pricing model.

a. In the case of a wastewater acquisition, a Buyer that employs a combined revenue requirement pursuant to 66 Pa.C.S. § 1311 will provide information assuming a combined water and wastewater revenue requirement consistent with its most recent adjudicated base rate proceeding.

b. If a Buyer has filed the thirty-day notice of 52 Pa. Code § 53.45(a), or has filed a rate case, it should calculate the above using data as proposed in its upcoming or filed rate case.

2. If the Buyer has a present intention to increase the acquired system's rates to a certain level, please state the basis for the targeted rate.

3. Provide the annual depreciation expense using the purchase price/proposed rate base. If the exact depreciation expense is not available, provide the best estimate of the annual depreciation expense. Show how the depreciation expense is calculated.

4. Provide an estimate of the annual gross revenue requirement of the municipal system under the Buyer's ownership. Provide the assumptions for the annual revenue requirement, including expected rate of return, expected depreciation expense, O&M expenses, etc.

5. Provide an estimate of the annual revenues of the municipal system under the Buyer's ownership. Provide the assumptions for the annual revenues, including both operating revenues and non-operating revenues.

6. Provide an estimate of the overall dollar and percentage rate impacts implicated from stand-alone rates that recover the Buyer's estimated annual gross revenue requirement for the acquired system from the Seller's customers.

7. Provide an estimate of the overall dollar and percentage rate impacts implicated from the following rates:

a. For water applications, rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water customers.

b. For wastewater applications, both water and wastewater rates that recover the Buyer's estimated annual net revenue requirement for the acquired system from the Buyer's existing water and wastewater customers, respectively.

8. Other than the STAS, does Buyer's current water/wastewater tariff include any provisions that would fall under "pass-through costs or charges imposed by the Commonwealth of Pennsylvania"?

9. Provide a listing of any entities that currently receive free service from the Seller.

10. In the next rate case, does buyer anticipate including the acquired system in a combined revenue requirement?

11. If Seller has increased rates in the last year, please state the date of the increase and provide a copy of the new rate schedule and the total annual revenues produced under the new rates.

12. Are there any leases, easements, and access to public rights-of-way that Buyer will need in order to provide service which will not be conveyed at closing? If yes, identify when the conveyance will take place and whether there will be additional costs involved.

Costs/Benefits

13. Provide a breakdown of the estimated transaction and closing costs. Provide invoices to support any transaction and closing costs that have already been incurred.

14. Please describe known and anticipated general expense savings and efficiencies under Buyer's ownership. State the basis for all assumptions used in developing these costs and provide all supporting documentation for the assumptions, if available.

15. Please provide a copy of the Seller's request for proposals (if there was one) and any accompanying exhibits with respect to the proposed sale of the system.

16. Please provide a copy of the proposal and exhibits of the Buyer for the purchase of Seller's system.

17. Provide a copy of the Buyer's offer to purchase the Seller's system and the Seller's response to that offer.

Appraisals

18. For each UVE in this case, please provide the following, if not already provided:

a. A list of valuations of utility property performed by the UVE;

b. A list of appraisals of utility property performed by the UVE; and, ;

c. A list of all dockets in which the UVE submitted testimony to a public utility commission related to the appraisal of utility property; and

d. An electronic copy of or electronic link to testimony in which the UVE testified on public utility fair value acquisitions in the past two years.

19. Please explain each discount rate used in the appraisals, including explanations of the capital structure, cost of equity and cost of debt. State the basis for each input. Provide all sources, documentation, calculations and/or workpapers used in determining the inputs.

20. Please explain whether the UVE used replacement cost or reproduction cost and why that methodology was chosen.

21. Please provide a copy of the source for the purchase price and number of customers for each comparable acquisition used in the appraisals.

22. Have Buyer's and Seller's UVE corresponded with regard to their respective fair market value appraisals of the assets at issue in this case? If yes, provide the following information:

- a. Identify the nature and date(s) of correspondence;
- b. Identify the type(s) of correspondence (i.e. written, verbal, etc); and,
- c. Provide copies of any written correspondence exchanged between the UVEs.

Miscellaneous

20. Are there any outstanding compliance issues that the Seller's system has pending with the PA Department of Environmental Protection. If yes, provide the following information:

- a. Identify the compliance issue(s);
- b. Provide an estimated date of compliance;
- c. Explain Buyer's anticipated or actual plan for remediation;
- d. Provide Buyer's estimated costs for remediation; and,
- e. Indicate whether the cost of remediation was or is anticipated to be factored into either or both fair market valuation appraisals offered in this proceeding.

21. Are there any outstanding compliance issues that the Seller's system has pending with the US Environmental Protection Agency. If yes, provide the following information:

- a. Identify the compliance issue(s);
- b. Provide an estimated date of compliance;
- c. Explain Buyer's anticipated or actual plan for remediation;
- d. Provide Buyer's estimated costs for remediation; and
- e. Indicate whether the cost of remediation was or is anticipated to be factored into either or both fair market valuation appraisals offered in this proceeding.

Appendix C

Pennsylvania Public Utility Commission Additional Guidelines for Utility Valuation Experts 2024 Final Supplemental Implementation Order

General

1. 66 Pa.C.S. § 1329(a) requires the use of the current biennial edition of the Uniform Standards for Professional Appraisal Practice (USPAP) to develop cost, market, and income valuations of the Selling Utility. Valuations developed from outdated or expired editions of the USPAP do not constitute competent evidence and will not be accepted by the Commission as satisfying the Application Checklist.

2. By Order, the Commission recognizes the use of the Jurisdictional Exception Rule of the USPAP. Materials submitted in support of a request for Section 1329 fair market valuation pursuant to the USPAP must conform to applicable Pennsylvania law even if in conflict with USPAP. For purposes of Section 1329, Pennsylvania law includes the Pennsylvania Constitution, statutes, regulations, court precedent, and administrative rules and orders issued by administrative agencies.

3. UVEs, along with Seller and Buyer, must establish that a UVE:

- a. is a Commission registered UVE
- b. has no conflict of interest pursuant to the USPAP
- c. fee is limited to 2.5% of fair market value
- d. incorporated the licensed engineer's assessment of the tangible assets of the Selling Utility into the UVE appraisal as required by Section 1329(a)(4)
- e. has verified that valuation methods used (cost, income and market) comply with the current edition of the USPAP

4. UVE materials submitted in support of a request for Section 1329 fair market valuation must:

a. Weigh each valuation result evenly: one-third for cost, one-third for market, and one-third for income, calculated as follows: Valuation Result = (Cost Approach Result + Income Approach Result + Market Approach Result) / 3. The Valuation Result is rounded to the nearest dollar.

b. If the UVE deviates from the default weights, the UVE must show good cause and explain the basis of the individual weight given to the cost, market, and income approach.

c. Use the Commission's quarterly earnings report for capital structure, cost of debt, cost of equity and weighted average cost of capital. The quarterly earnings report used must be contemporaneous with the production of the valuation.

5. Both the Seller and Buyer UVE will support their respective appraisals with data and written direct testimony at the time a request for Section 1329 valuation is filed with the Commission. The Commission will not accept untimely direct testimony, or untimely testimony in the nature of direct, regarding a UVE appraisal.

Jurisdictional Exceptions

As a general matter, going concern, overhead, and erosion of cash flow or return add-ons shall not be included in appraisals under the cost, income, or market approaches.

Cost Approach

1. Cost approach may measure value by:
 - a. determining investment required to replace or reproduce future service capability
 - b. developing total cost less accrued depreciation for Selling Utility assets
 - c. determining the original cost of the system
2. Cost approach materials shall:
 - a. explain choice of reproduction cost vs. replacement cost
 - i. If the reproduction cost methodology is used, valuation of the collection mains will not be treated differently or as special circumstance, unless reasonably justified.
 - b. not adjust the cost of land by the ENR index
 - c. exclude overhead costs, future capital improvements, and going concern value
 - d. use consistent rate of inflation for all classes of assets, unless reasonably justified
 - e. include the original cost of the system and the original cost less depreciation, even if original cost was not the chosen measure of value

Income Approach

- 1. Income approach may measure value by:
 - a. Capitalization of earnings or cash flow
 - b. Discounted cash flow (DCF) method
- 2. Income approach materials shall exclude:
 - a. Going concern value
 - b. Future capital improvements
 - c. Erosion of cash flow or erosion on return
 - d. Rate base/rate of return methodology
- 3. Calculations done under the income approach will clearly describe the basis for discount rate(s) in the report rather than only in the exhibits. The following information should be provided about the discount rate(s) used:
 - a. the capital structure used in the analysis with an explanation as to why the capital structure was selected
 - i. If Company's actual capital structure was not used, explain why.
 - b. the cost of equity used in the analysis, and the basis for the cost of equity
 - c. the cost of debt used in the analysis
 - 1. If the Company's actual cost of debt was not used, explain why not.
 - 4. If a capitalization rate is used, the calculation of the capitalization rate and the basis for the growth rate will be disclosed and fully explained.

Market Approach

- 1. Market approach shall use the current customer count of the Selling Utility
- 2. Market approach shall exclude:
 - a. Future capital improvements
 - b. Any type of adjustment or adder in the nature of goodwill
- 3. Speculative growth adjustments will not be used. U.S. Census Data and relevant and applicable regional planning commission reports may be used as a basis to determine growth in a subject area.
- 4. The proxy group used for calculating market value should not be limited to only companies which engage in Pennsylvania fair market value acquisitions.
- 5. Net book financials multiplier shall not be used.
- 6. Comparable sales used to establish the valuation should not be limited to those that the UVE previously appraised.
- 7. Comparable sales used to establish the valuation should use the current customers.
- 8. Comparable sales used to establish the valuation should not include the value of future capital improvement projects.

Appendix D

**2024 Final Supplemental Implementation Order
 SELLING/BUYING UTILITY STATEMENT NO. __
 BEFORE THE
 PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of _____ to Obtain a Fair Market Valuation for the Acquisition of the Water/Wastewater Assets of the Borough of _____ in _____ County, Pennsylvania :
 :
 : A-20 ____-_____
 :
 :

**DIRECT TESTIMONY
 OF
 IMA UVE
 UTILITY VALUATION EXPERT
 SELLING/BUYING UTILITY
 Month/Day/Year**

Q. Please state your name, business address, and occupation.

A. My name is _____. My business address is _____. I am an associate/principal/owner/president of _____. This testimony was prepared with the assistance of _____ an employee of _____ under my direction.

Q. Please describe your qualifications and indicate if you are registered as a Utility Valuation Expert with the Pennsylvania Public Utility Commission.

A. A Curriculum Vitae for _____ and _____ is attached to this testimony. I am a registered Utility Valuation Expert with the Pennsylvania Public Utility Commission. I obtained that registration in MONTH of YEAR.

Q. What is the purpose of your testimony?

A. This direct testimony provides clarification and explanation of the appraisal I provided to the Selling/Buying Utility pursuant to 66 Pa.C.S. § 1329(a)(5) and in accordance with Uniform Standards of Professional Appraisal Practice YEAR Edition.

Q: Are you advocating for any party or outcome?

A: No. The Ethics Rule of the USPAP, applicable here pursuant to 66 Pa.C.S. § 1329(a)(3), requires that I perform the appraisal with impartiality, objectivity, and independence, and without accommodation of personal interests. In addition, the USPAP Ethics Rule requires that I not perform the assignment with bias, that I must not advocate the cause or interest of any party or issue and that I must not accept an assignment that includes the reporting of predetermined opinions and conclusions.

Q. Do you have any affiliation with either the Selling Utility or the Acquiring Public Utility or Entity?

A. No. Other than the current assignment to provide the subject appraisal, I have no business or personal relationships with any party to the proposed acquisition.

Q. What is your fee arrangement to deliver the appraisal?

A. A copy of the fee arrangement is attached as Appendix _____. In summary, I am to receive \$_____ in compensation, which represents _____ % of the proposed valuation.

Q. Will you receive that fee regardless of whether the Commission approves the proposed transaction or whether it closes?

A. Yes. 66 Pa.C.S. § 1329(a)(3) mandates that I comply with the USPAP when developing my appraisal. Under the USPAP I cannot perform the appraisal with bias and acceptance of a fee contingent on a particular outcome like closing or Commission approval would violate that Ethics Rule.

Q. Have you prepared any exhibits, schedules, or appendices to accompany your direct testimony?

A. Yes. Schedules _____ and _____ are included herein, and Appendix _____ and _____ are attached. The appraisal I submitted to the Seller/Buyer pursuant to Section 1329(a)(5) is attached as well. All were prepared under my supervision and control.

Q. Please summarize your results of the application of the cost, market, and income approaches to valuation.

A. The summary the cost, market, and income approach is included below as Seller/Buyer UVE Schedule No. 1.

<i>Approach</i>	<i>Indicated Value</i>	<i>Weight</i>	<i>Weighted Value</i>
Cost Approach	\$	%	\$
Market Approach	\$	%	\$
Income Approach	\$	%	\$
		100%	\$
Conclusion			\$

Q. Describe any assumptions, extraordinary assumptions, hypothetical conditions, and/or limiting conditions that you applied to the valuation

A. I employed an assumption regarding . . .

Q. How was each assumption used and what was its result?

A. I used the assumption about _____ to account for _____. The result was that _____. I also used an assumption regarding _____ because of the _____. The result there was to _____.

Q. Did you use the default valuation weights of one-third each for cost, market, and income?

A. Yes/No.

Q. If you did not use the default weights of one-third each for cost, market, and income, explain how you developed the weighting applied to each approach in your appraisal and why the individual weights you chose are appropriate for this proposed transaction?

A. For the cost approach I chose a weighting of _____ %. It is my opinion that this weighting is appropriate for the cost approach because. . .

For the market approach I chose a weighting of _____ %. It is my opinion that this weighting is appropriate for the cost approach because. . .

For the income approach I chose a weighting of _____ %. It is my opinion that this weighting is appropriate for the cost approach because. . .

Or, N/A.

Q. Did you conduct an on-site inspection of the Selling Utility assets, and if so, what was its result on the appraisal?

A. I inspected the Selling Utility assets on DATE, accompanied by Selling Utility employee _____. I inspected the _____, distribution/collection system in and around _____, and the _____. As a result, I determined that _____. This influenced my appraisal to the effect that _____.

Q. What Utility Earnings Report was used to create the capital structure used in your appraisal?

A. I used the QUARTER, YEAR Earnings Report of COMPANY.

Q. What capital structure was used in your appraisal?

A. The capital structure used in my appraisal is included below as Seller/Buyer UVE Schedule No. 2.

<i>Type of Capital</i>	<i>Capital Ratio</i>	<i>Cost Rate</i>	<i>Weighted Cost</i>
Debt	%	%	%
Preferred	%	%	%
Common Equity	%	%	%
Total	100%		%

Cost Approach

Q. Regarding your application of the cost approach, what method did you use to determine the cost approach result (e.g. original cost, replacement cost, reproduction cost)?

A. I used the _____ method.

Q. What index, if any, did you use for that method?

A. I used the _____ index.

Q. Under your application of the cost approach what assets did you value or trend differently from other assets and why was that necessary?

A. I valued the _____ independently of the _____. It is my opinion that an accurate appraisal requires this because _____.

Q. Under your application of the cost approach, what year-end date did you use for calculating the depreciation reserve?

A. I used the date of _____.

Q. How did you determine the depreciation parameters of survival/retirement characteristics and service lives for the utility property under the cost approach?

A. I determined those parameters by _____.

Q. Why are those parameters appropriate?

A. Those parameters are appropriate because _____.

Q. If you did not use the original cost method, what is the system's original cost and original cost less depreciation?

A. Those values are _____ and _____.

Market Approach

Q. Regarding your application of the market approach, what methods did you use to determine the market approach result?

A. I used the _____ and _____ methods.

Q. What assumptions, analyses, and/or adjustments did you make under each method?

A. Under the _____ method, it is my opinion that _____ must be considered. Under the other method, I believe that an accurate result depends on adjusting _____ to better reflect that _____.

Q. What were the results of each analysis you performed?

A. The _____ analysis produced a result of _____. The other, a result of _____ was obtained.

Q. Which results were used to determine your market approach result? Please explain why these results were used.

A. I used the results of _____ because I believe those results represent an accurate assessment of _____.

Q. What was the calculation you used to determine your overall market approach results?

A. The calculation I used consisted of the following. . .

Q. What comparable transactions or comparable sales, if any, did you evaluate to develop your market approach?

A. I examined the flowing transactions to develop the result of my market approach. First, I examined the sale of _____ to _____ in YEAR. It is my opinion that this is a valid source of comparison to the transaction here because. . .

I next examined the sale of _____ to _____ in YEAR. I am of the opinion that this too is a valid source of comparison to the transaction here because. . .

Finally, I examined the sale of _____ to _____ in YEAR. This is a valid source of comparison to the instant transaction because. . .

Income Approach

Q. Regarding your application of the income approach, what method did you use to determine the income approach result?

A. I used the _____ method.

Q. What assumptions did you employ to develop your income approach result?

A. Under the income approach, it is my opinion that _____ must be considered. I believe that an accurate result depends on adjusting _____ to better reflect how _____.

Q. What discount rate did you use to calculate your income approach?

A. I used a discount rate of _____.

Q. What capital structure inputs differ from those identified in Seller/Buyer UVE Schedule No. 2?

A. For the income approach I used a different input of _____ for the _____ because it is my opinion that _____. I believe it necessary to deviate from the Buyer's actual cost of capital because _____.

Q. What is the source and basis of the alternative input you propose in the income approach?

A. The source of the input may be found at _____. I have included a copy as Appendix C. The basis of this input is the _____.

Q. If you used a terminal value in your discounted cash flow analysis what is the number of years over which the cash flows are considered?

A. I considered those cash flows over _____ years.

Q. What is the basis for using this number of years?

A. It is my opinion that it is necessary to use _____ years to calculate terminal value because . . .

Q. What number of Selling Utility customers or equivalent dwelling units did you use to value the Seller's system and how did you develop that number?

A. I used _____ customers/EDUs. I obtained that number by examining _____ and _____. I then calculated the total used by _____.

Q. Did you make any updates to your appraisal after it was submitted to the Seller/Buyer, and if so, what was the update, when was it made, and why was it necessary?

A. I did not update or revise my appraisal after it was submitted to the Buyer/Seller.

Q. Does this conclude your direct testimony?

A. It does. However, by filing this direct testimony I understand that I may have the opportunity to submit testimony responsive to challenges to my appraisal.

[Pa.B. Doc. No. 24-1038. Filed for public inspection July 19, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2024-3049920 and A-2024-3049921. Aqua Pennsylvania, Inc. (Aqua) and Honesdale Consolidated Water Company, (Honesdale). Joint application of Aqua, and its subsidiary, Honesdale, for the approval of: (1) the transfer to Aqua, through merger, of all property of Honesdale used or useful in the public service; (2) the right of Aqua to begin to offer, render, furnish and supply water service in portions of the Borough of Honesdale, Townships of Texas and Dyberry, Wayne County, nunc pro tunc; and (3) the abandonment by Honesdale of public utility service in portions of the Borough of Honesdale, Townships of Texas and Dyberry, Wayne County, and request for approval of merger between affiliates.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, August 5, 2024. 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 for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Aqua Pennsylvania, Inc.; Honesdale Consolidated Water Company

Through and By Counsel: Alexander R. Stahl, Esq., Aqua Services, Inc., Regulatory Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, (610) 645-1130, astahl@aquaamerica.com; 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@essential.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1039. Filed for public inspection July 19, 2024, 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 a common carrier 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 August 5, 2024. 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 Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-24-06-02. Sofia Transportation, Inc. (1276 Appalachen Road, Ambler, PA 19002): 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:* Shintia Zaman Riva, Esq., 1914 Chandler Street, Philadelphia, PA 19111.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 24-1040. Filed for public inspection July 19, 2024, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Tyler Bauman—Broiler Farm 1277 Bridgeton Road Airville, PA 17302	York County/ Lower Chanceford Township	126.05	Broiler	Amended	Approved
Randy Brubaker—Valley Road Farm 1908 Valley Road Manheim, PA 17545	Lancaster County/ Rapho Township	295.2	Broilers Swine	New	Approved
Pappy's Orchard—Turkey Farm 2474 Urffers Road Coopersburg, PA 18036	Lehigh County/ Lower Milford Township	542.57	Turkey	Amended	Approved
Jay Smoker—Turkey Farm 710 Glen Run Road Atglen, PA 17812	Chester County/ West Fallowfield and Highland Townships	542.47	Turkey	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Swatara Creek Poultry, LLC— Dead End Road 102 Dead End Road Lebanon, PA 17046	Lebanon County/ Swatara Township	502.4	Layers	New	Approved

JESSICA SHIRLEY,
Acting Chairperson

[Pa.B. Doc. No. 24-1041. Filed for public inspection July 19, 2024, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on August 1, 2024, at 6:30 p.m. The public hearing will end at 9 p.m. or at the conclusion of public testimony, whichever is first. The Commission will hold this hearing in person and telephonically. Individuals may attend in person at the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA, or join by telephone using toll free number (877) 304-9269 and then enter the guest passcode 2619070 followed by #. At this public hearing, the Commission will hear testimony on the projects listed in the supplementary information section of this notice and any additional testimony on the proposed rulemaking placed on the table at the June Commission meeting. The projects and actions are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 12, 2024, which will be noticed separately. The public should note that this public hearing will be the only opportunity to offer oral comments to the Commission for the listed projects and actions. The deadline for the submission of written comments is August 12, 2024.

For further information contact Jason Oyler, General Counsel and Secretary, (717) 238-0423, joyler@srbc.gov.

The proposed rulemaking that was placed on the table at the June Commission meeting can be viewed on the *Federal Register* web site at 89 FR 20148 (March 21, 2024). Information concerning the project applications is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.gov/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.gov/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

Supplementary Information

In addition to hearing any additional testimony on the proposed rulemaking, the public hearing will cover the following projects:

Projects Scheduled for Action:

1. Project Sponsor and Facility: Amazon Data Services, Inc. Project Facility: PHL100 Data Center Campus, Salem Township, Luzerne County, PA. Application for consumptive use of up to 0.060 mgd (30-day average).
2. Project Sponsor and Facility: Ashland Area Municipal Water Authority, Butler Township, Schuylkill County, PA. Application for renewal of groundwater withdrawal of

up to 0.115 mgd (30-day average) from Well 5 (Docket No. 19931101). Service area is located in an Environmental Justice area.

3. Project Sponsor: Borough of Middletown. Project Facility: Middletown Water System, Borough of Middletown, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 1.070 mgd (30-day average) from Well 6 (Docket No. 19970702). Service area is located in an Environmental Justice area.

4. Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, PA. Application for renewal of groundwater withdrawal of up to 0.317 mgd (30-day average) from Well 8 (Docket No. 19940902). Service area is located in an Environmental Justice area.

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Loyalsock Creek), Forksville Borough, Sullivan County, PA. Application for renewal and modification of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20190903).

6. Project Sponsor and Facility: Clear Water Technology, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Application for surface water withdrawal of up to 1.440 mgd (peak day).

7. Project Sponsor and Facility: Dillsburg Area Authority, Franklin Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.199 mgd (30-day average) from Well 3 (Docket No. 20081207).

8. Project Sponsor: Greater Hazleton Community-Area New Development Organization, Inc. Project Facility: CAN DO, Inc.—Corporate Center, Butler Township, Luzerne County, PA. Application for renewal of groundwater withdrawal of up to 0.547 mgd (30-day average) from Well 1 (Docket No. 20090309).

9. Project Sponsor and Facility: Jersey Shore Area Joint Water Authority, Pine Creek Township, Clinton County, PA. Application for groundwater withdrawal of up to 0.452 mgd (30-day average) from Pine Creek Well 1, which is an increase of the quantity established in Certificate of Registration No. GF-202012137.

10. Project Sponsor and Facility: JKLM Energy, LLC (Mill Creek), Rutland Township, Tioga County, PA. Application for surface water withdrawal of up to 0.600 mgd (peak day).

11. Project Sponsor and Facility: JKLM Energy, LLC (Tioga River), Lawrenceville Borough, Tioga County, PA. Application for renewal with an increase of surface water withdrawal of up to 1.800 mgd (peak day) (Docket No. 20230610).

12. Project Sponsor and Facility: Municipal Authority of the Borough of Mansfield, Richmond Township, Tioga

County, PA. Application for renewal of groundwater withdrawal of up to 0.173 mgd (30-day average) from Well 1 (Docket No. 19940707).

13. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Roaring Spring Quarry (Halter Creek 2), Taylor Township, Blair County, PA. Applications for renewal of consumptive use of up to 0.380 mgd (peak day) and surface water withdrawal of up to 0.288 mgd (peak day) (Docket No. 19940705 and Certificate of Registration No. GF-202204215).

14. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Loyalsock Creek), Plunketts Creek Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20231213).

15. Project Sponsor: The Procter & Gamble Paper Products Company. Project Facility: Mehoopany Plant, Washington Township, Wyoming County, PA. Application for renewal of consumptive use of up to 2.750 mgd (peak day) (Docket No. 19940704).

16. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Lycoming Creek), McIntyre Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20190910).

17. Project Sponsor and Facility: Seneca Resources Company, LLC (Marsh Creek), Delmar Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20190911).

18. Project Sponsor and Facility: Shrewsbury Borough, York County, PA. Application for renewal of groundwater withdrawal of up to 0.120 mgd (30-day average) from the Woodlyn Well (Docket No. 19920501).

19. Project Sponsor and Facility: State College Borough Water Authority, Benner Township, Centre County, PA. Applications for renewal of groundwater withdrawal (30-day averages) of up to 1.584 mgd from Well 17, 0.576 mgd from Well 18 and 1.512 mgd from Well 19 (Docket No. 19930501).

20. Project Sponsor and Facility: Strasburg Lancaster County Borough Authority, Strasburg Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.275 mgd (30-day average) from the Fisher Well (Docket No. 19890107). Service area is located in an Environmental Justice area.

21. Project Sponsor: TableTrust Brands, LLC. Project Facility: Freebird East, Bethel Township, Lebanon County, PA. Application for renewal of groundwater withdrawal of up to 0.199 mgd (30-day average) from Well 8 (Docket No. 19990701).

22. Project Sponsor: UGI Development Company. Project Facility: Hunlock Creek Energy Center (Susquehanna River), Hunlock Township, Luzerne County, PA. Applications for renewal of surface water withdrawal of up to 55.050 mgd (peak day) and consumptive use of up to 2.396 mgd (peak day) (Docket No. 20090916).

23. Project Sponsor and Facility: Williamsburg Municipal Authority, Catharine Township, Blair County, PA. Application for renewal of groundwater withdrawal of up to 0.180 mgd (30-day average) from Well 3 (Docket No. 19940702).

24. Project Sponsor and Facility: XTO Energy, Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20190912). Located in an Environmental Justice area.

Opportunity to Appear and Comment:

Interested parties may appear or call into the hearing to offer comments to the Commission on any business previously listed required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.gov before the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to control the course of the hearing otherwise. Access to the hearing by means of telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's web site, www.srbc.gov, before the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any business previously listed required to be the subject of a public hearing may also be mailed to Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA. 17110-1788, or submitted electronically through <https://www.srbc.gov/meeting-comment/default.aspx?type=2&cat=7>. Comments mailed or electronically submitted must be received by the Commission on or before Monday, August 12, 2024, to be considered.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: July 3, 2024

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 24-1042. Filed for public inspection July 19, 2024, 9:00 a.m.]

PENNSYLVANIA BULLETIN

Volume 54

Number 29

Saturday, July 20, 2024 • Harrisburg, PA

Part II

This part contains
the Governor's Office
Regulatory Agenda



NOTICES

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The information provided is current as of July 1, 2024. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Aging</i>			
No regulations being developed or considered at this time.			
<i>Department of Agriculture</i>			
Agricultural Conservation Easement Purchase Program 7 Pa. Code Chapter 138e (# 2-192)	Expected publication proposed Q2 or Q3, 2025. Internal reviews continued; anticipated stakeholder outreach will occur this year.	The regulation will revise the regulation to address the five amendments of the Agricultural Area Security Law that occurred since 2004, when the regulation was last revised. The revision will accomplish a "housekeeping" update to reflect the Department's experience in administering the Agricultural Conservation Easement purchase program.	Stephanie Zimmerman (717) 783-3167
Milk Sanitation 7 Pa. Code Chapter 59a (# 2-194)	Proposed regulations were published June 15, 2024; currently in 30-day comment period.	The regulation will: 1) accomplish a "housekeeping" update to the technical Milk Sanitation regulations; 2) allow for the lawful production and sale of raw milk butter; and 3) lower the maximum permissible somatic cell count for milk.	Stefanie Smith (717) 787-5108
Pesticide Rules and Regulations 7 Pa. Code Chapter 128	Expected publication proposed Q4, 2024. Internal reviews continued from Spring 2024 update.	The current regulation is being revised to: 1) meet the updated Federal EPA Pesticide Certification Rule as required by EPA; 2) add clarifying language where needed; and 3) add/remove certain regulatory requirements to accommodate pesticide use needs in the Commonwealth.	Jessica Lenker (717) 772-5212

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commercial Feed, Chapter 71	Expected publication proposed Q2, 2025. Internal reviews continued from Fall 2024 update.	The current law is being revised to: (1) Adopting hemp seed, hemp seed meal and hemp seed oil for use in horse feed, pet and specialty pet food; (2) Updating labeling provisions to include raw milk and raw milk products with a required caution statement; (3) Updating the adulteration provisions to include hemp seed or hemp seed products if they do meet the standards established by the Farm Bill; (4) Updating the adulteration provisions to include raw milk and raw milk products if not decharacterized with an approved color; (5) Adding new authorities by adopting the following Federal Food and Drug Rules: current good manufacturing practices for medicated feeds, current good manufacturing practices, hazard analysis and risk-based preventive controls for food for animals, veterinary feed directives and BSE rule; and (6) Adding a provision to prevent storage and display of animal food products in same unit or case as human food.	Erin Bubb (717) 772-5215
<i>Department of Banking and Securities (DOBS)</i>			
Amendment of regulations at 10 Pa. Code Part VII Securities	Withdrawn	This rulemaking would add annual continuing education for investment adviser representatives.	Stefanie Hamilton (717) 787-1471
Amendment of regulations at 10 Pa. Code Part XIV Money Transmitters	Spring 2025	This rulemaking would clarify definitions around virtual currencies and their requirements for licensure.	Stefanie Hamilton (717) 787-1471
<i>Department of Conservation and Natural Resources (DCNR)</i>			
Prescribed Burning Practices Act, Act of July 17, 2009, P.L. 76, No. 17 (32 P.S. § 425)	Fall 2024	DCNR and other agencies and organizations have been utilizing prescribed fires (controlled burns) on publicly-owned forests and grasslands in the Commonwealth since 2009. At this time, there is significant interest and need to expand the use of prescribed fire and allow its use to manage privately-owned lands in Pennsylvania. To do so safely, DCNR feels that it is necessary to establish some baseline regulations for the training and certification of prescribed burn managers and for the review and approval of prescribed burn plans.	Michael Kern (717) 783-7957
<i>Department of Corrections (DOC)</i>			
Inmate Correspondence 37 Pa. Code § 93.2	Spring 2025	Inmate correspondence regulations are being revised to reflect new DOC procedures for processing mail. Preparation of proposed rulemaking package currently underway.	Tracey Tubbs (717) 728-7763
Inmate Visiting Privileges 37 Pa. Code § 93.3	Spring 2025	Inmate visiting privileges regulations are being revised to reflect DOC changes to its visiting policy. Preparation of proposed rulemaking package currently underway.	Tracey Tubbs (717) 728-7763
Purchase for Inmates by Family and Friends 37 Pa. Code § 93.4	Spring 2025	Purchase for inmates by family and friends regulations are being revised for clarification and to more accurately comport with current standards. Preparation of proposed rulemaking package currently underway.	Tracey Tubbs (717) 728-7763

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Motivational Boot Camp 37 Pa. Code §§ 93.301—93.308	Spring 2025	Motivational Boot Camp Regulations are being revised to correct statutory citations and reflect changes in procedures.	Tracey Tubbs (717) 728-7763
County Correctional Institutions 37 Pa. Code Chapter 95	Fall 2025	Entirety of Chapter 95 is being reviewed and revised. Initial outreach to stakeholders conducted regarding proposed changes; currently under review.	Tracey Tubbs (717) 728-7763
<i>Department of Education (PDE)</i>			
Academic Standards and Assessment 22 Pa. Code Part I State Board of Education Chapter 4	Fall 2024, as Final	This proposed regulation will update academic standards for Career Education and Work, Economics and Family and Consumer Sciences and proposes new standards for Personal Finance to reflect new statutory provisions enacted by Act 35 of 2023. The proposed regulations were published in the <i>PA Bulletin</i> on June 15 for a 30-day public comment period.	Karen Molchanow kamolchano@pa.gov
State Library and Advisory Council on Library Development 22 Pa. Code Part IX	Fall 2024, as Proposed	This proposed regulation clarifies and updates the standards and practices under which libraries are deemed eligible to receive State aide, bringing them in alignment with changes that were made to the statute in 2012. An exposure draft was released to stakeholders in spring to solicit initial feedback. That feedback will be incorporated into the proposed regulations.	Susan Banks susbanks@pa.gov
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51 and 59	Winter 2024, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School, specifically the requirements pertaining to private academic schools providing special education services or educating special education students. The Board is in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. §§ 6701 et seq.).	Jessica Guise jeguise@pa.gov
Preparation of Professional Educators 22 Pa. Code Chapter 354	Winter 2024, as Proposed	These regulations were last updated in 2000. The Department issued a survey to stakeholders in late 2023 and held focus groups in spring 2024 for feedback on what areas should be addressed in the rulemaking, such as candidate assessment; credit minimum for candidacy; GPA threshold; English and Math requirements; student teaching; and monitoring and assessment of skills.	Carissa Pokorny Golden cpokornygo@pa.gov
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021	No rulemaking expected at this time.	No rulemaking expected at this time.	Maryanne Wesdock Judge (412) 565-5245
<i>Department of Environmental Protection (DEP)</i>			
Blast Site Clarification for Noncoal Mining Operations 25 Pa. Code Chapter 77	Quarter 4, 2024, EQB Consideration, as Final-Omitted	This rulemaking amends the Department's mining regulations by changing one use of the term "blast area" in Chapter 77 to "blast site." The amendment will ensure the language used in the noncoal mining regulations is consistent with the definition of both terms found in 25 Pa. Code § 211.101. (Noncoal Surface Mining Conservation and Reclamation Act)	Sharon Hill (717) 787-6842 shill@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Environmental Protection Performance Standards for Conventional Oil and Gas Operators 25 Pa. Code Chapter 78 (# 7-539)	Quarter 4, 2024, EQB Consideration, as Proposed	This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kris Shiffer (717) 772-5809 kshiffer@pa.gov
Waste Management and Related Issues at Conventional Oil and Gas Well Sites 25 Pa. Code Chapter 78 (# 7-540)	Quarter 2, 2025, EQB Consideration, as Proposed	This proposed rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites. The purpose of this regulation is to update the performance standards for surface activities at conventional well sites to ensure that these activities are conducted in a manner that protects the health, safety and environment and property of Pennsylvania's residents.	Kris Shiffer (717) 772-5809 kshiffer@pa.gov
Annual Fee for Unconventional Operations 25 Pa. Code Chapter 78a (# 7-573)	Quarter 4, 2024, EQB Consideration, as Proposed	This rulemaking proposes to establish an annual fee for unconventional operations. The annual fee will provide a stable source of funding through FY 2027-2028. (2012 Oil and Gas Act, Clean Streams Law, Dam Safety and Encroachments Act, Solid Waste Management Act)	Kris Shiffer (717) 772-5809 kshiffer@pa.gov
Administration of Sewage Facilities Program 25 Pa. Code Chapters 71—73 (# 7-570)	Quarter 2, 2025, EQB Consideration, as Proposed	This rulemaking proposes to update 25 Pa. Code Chapters 71—73 to implement recent amendments to the Pennsylvania Sewage Facilities Act made by Act 26 of 2017 and Act 34 of 2020, and to address a number of other issues in these regulations, which were last revised significantly in 1997. The regulatory revisions in this proposed rulemaking will include site suitability criteria for sites with shallow soils, which will provide additional opportunities for new land development in a manner that provides safe, effective long-term sewage disposal. This proposed rulemaking will also include other regulatory revisions and updates to ensure that the planning, permitting, operation and maintenance of sewage facilities sufficiently protect public health and safety, the waters of the Commonwealth and property values. (Pennsylvania Clean Streams Law, Pennsylvania Sewage Facilities Act)	Jay Patel (717) 783-2283 jaypatel@pa.gov
Water Quality Permit Administration 25 Pa. Code Chapters 91 and 92a	Quarter 1, 2025, EQB Consideration, as Proposed	This rulemaking proposes minor updates to improve administration of the water quality management and National Pollutant Discharge Elimination System (NPDES) permitting programs. (Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Quality Standards for Site-Specific Criteria for Methylmercury and Clarifications to the Process for Developing Site-Specific Criteria 25 Pa. Code Chapter 93 (# 7-571)	Quarter 4, 2024, EQB Consideration, as Final	This rulemaking proposes to update 25 Pa. Code Chapter 93 with site-specific water quality criteria for methylmercury for unnamed tributary to Ebaughs Creek located in York County. In addition, proposed updates will revise provisions to allow for a more efficient regulatory review process to incorporate site-specific criteria into the water quality standards in 25 Pa. Code Chapter 93, which would allow site-specific criteria to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits more quickly. (Pennsylvania Clean Streams Law, Federal Clean Water Act)	Josh Lookenbill (717) 783-2959 mlookenbil@pa.gov
Water Quality Standards—Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 16 and 93 (# 7-577 and # 7-582)	Quarter 3, 2024, EQB Consideration, as Final	This rulemaking revises the Commonwealth's water quality criteria and standards in Chapter 93 and updates the Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR 131.20)	Josh Lookenbill (717) 783-2959 mlookenbil@pa.gov
Water Quality Standards—Class A Stream Redesignations 25 Pa. Code Chapter 93 (# 7-583)	Quarter 3, 2024, EQB Consideration, as Proposed	The proposed regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). In this rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	Josh Lookenbill (717) 783-2959 mlookenbil@pa.gov
Water Quality Standards—Chester Creek et al. Stream Redesignations 25 Pa. Code Chapter 93	Quarter 4, 2024, EQB Consideration, as Proposed	The proposed regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a rulemaking petition, errors identified in Chapter 93, EPA's partial approval of the previous Triennial Review of Water Quality Standards and as a result of routine monitoring and assessment activities. In this rulemaking, redesignations rely on § 93.3, Aquatic Life Use definitions and § 93.4b, High Quality (HQ) and Exceptional Value (EV) qualifications. (Section 303(c)(1) of the Federal Clean Water Act)	Josh Lookenbill (717) 783-2959 mlookenbil@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth 25 Pa. Code Chapter 91	Quarter 4, 2024, EQB Consideration, as Proposed	This rulemaking proposes to clarify the immediate notification requirements for unauthorized discharges of a substance that would cause or threaten pollution to waters of the Commonwealth, endanger downstream users or damage property. (Pennsylvania Clean Streams Law)	Manyi Liu (717) 787-5017 malieu@pa.gov
Dam Safety and Waterway Management 25 Pa. Code Chapter 105	Quarter 1, 2025, EQB Consideration, as Proposed	This rulemaking proposes to amend Chapter 105 to provide updates and clarifications to definitions and requirements to improve permit application submission and permit review efficiency. (Federal Clean Water Act, Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act)	Domenic Rocco (717) 772-5659 drocco@pa.gov
Safe Drinking Water Federal Updates 25 Pa. Code Chapter 109	Quarter 3, 2025, EQB Consideration, as Proposed	This rulemaking proposes to update Chapter 109 Safe Drinking Water Regulations to incorporate two recently finalized Federal rules (the PFAS MCL and Consumer Confidence Report (CCR) rules) and will include other amendments as needed. (Pennsylvania Safe Drinking Water Act)	Dawn Hissner (717) 772-2189 dhissner@pa.gov
State and Federal Plans for Existing Sources 25 Pa. Code Chapter 122 (# 7-585)	Quarter 4, 2024, EQB Consideration, as Proposed	This rulemaking proposes to amend Chapter 122 to clarify the authority for adoption of Federal plans in 40 CFR Part 62 and submittal to the EPA of requests for delegation of Federal plans for existing sources and to clarify implementation and enforcement of emission guidelines and Federal plans for existing sources. (Air Pollution Control Act)	Sean Wenrich (717) 772-3979 sewenrich@pa.gov
Corrective Amendments to RACT Requirements for Major Sources of NO _x and VOCs 25 Pa. Code Chapter 129 (# 7-584)	Quarter 4, 2024, EQB Consideration, as Proposed	This rulemaking proposes to amend Chapter 129 to correct administrative errors in the mass equivalent basis factors for combined-cycle or combined heat and power combustion turbines and to correct a cross reference error. (Air Pollution Control Act)	Sean Wenrich (717) 772-3979 sewenrich@pa.gov
Administration of the Land Recycling Program 25 Pa. Code Chapter 250 (# 7-575)	Quarter 3, 2024, Publication, as Proposed	The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the medium specific concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. This rule will focus on updates to the models used to calculate the MSCs for lead in soil and potential changes to how the MSCs for PAHs are calculated. These regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. This rulemaking also proposes to clarify administrative elements of Chapter 250. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. (Land Recycling and Environmental Remediation Standards Act)	Mike Maddigan (717) 772-3609 mmaddigan@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Environmental Lab Accreditation Fees 25 Pa. Code Chapter 252 (# 7-578)	Quarter 1, 2025, EQB Consideration, as Proposed	This rulemaking proposes to update the fees for the environmental laboratory accreditation program to cover the cost of the operation of the program, as required by the Environmental Laboratory Accreditation Act. (Environmental Laboratory Accreditation Act)	Annmarie Beach (717) 346-8212 anbeach@pa.gov
Update to Coproduct Regulations 25 Pa. Code Chapter 287	Quarter 1, 2025, EQB Consideration, as Proposed	This rulemaking proposes to amend the coproduct regulations to ensure that the efficacy of a waste for a particular use and the consistency of the process by which the waste is generated is considered and adequately demonstrated as part of a coproduct demonstration. (Solid Waste Management Act)	Chris Solloway (717) 787-1791 csolloway@pa.gov
Revisions to the Nutrient Management Regulations 25 Pa. Code Chapter 83, Subchapters D and E (# 7-581)	Fall 2024, SCC Consideration, as Proposed	The State Conservation Commission proposes to revise the nutrient management regulations to more effectively address nutrient losses from concentrated animal operations and farms which receive manure from those operations. The proposed revisions to these regulations include incorporating advances in nutrient management knowledge and technology, as well as updating provisions on the protection of water quality regarding nutrient management. (Conservation District Law, Nutrient Management Act, Conservation and Natural Resources Act)	Brady Seeley (717) 772-4188 braseeley@pa.gov
<i>Department of Health (DOH)</i>			
Communicable and Noncommunicable Diseases 28 Pa. Code Chapter 27	March 2025, as Proposed	The Department is proposing to update the list of diseases, conditions and infections, to update the requirements for reporting diseases, conditions and infections and to update the regulations generally to align with National standards and to improve disease surveillance, investigation and response. The proposed rulemaking is under development at DOH. DOH will be engaging in discussions with stakeholders in upcoming months.	Neil Mahalingam (717) 783-2500 Mason Myers (717) 783-2500 Kirsten Waller (717) 787-3350 Lisa McHugh (717) 787-3350
Clean Indoor Air Act (CIAA)	May 2025, as Proposed	Regulations are needed to further clarify and define the CIAA (35 P.S. §§ 637.1 et seq.). Such regulations would result in more consistent implementation of the CIAA and additional clarity for establishments that apply for an exception to the CIAA. The proposed rulemaking is under development at DOH. DOH will be engaging in discussions with stakeholders in upcoming months.	George Mitchell (717) 783-2500 Will Sunday (717) 783-6600
Hospitals 28 Pa. Code Part IV, Subpart B	April 2025, as Proposed	The Department is proposing to make several updates to these regulations, incorporating policy measures related to telemedicine, hospital closure plan requirements and patient care coordination. The proposed rulemaking is under development at DOH. DOH will be engaging in discussions with stakeholders in upcoming months.	Sarah Kurish (717) 783-2500 Jeanne Parisi (717) 547-3067

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Newborn Safety Incubators	May 2025, as Proposed	Act 68 of 2017 permits hospitals, police stations or other entities employing or otherwise providing access to an emergency services provider to provide an incubator for the care of a newborn anonymously placed by a parent. The Department is required to promulgate regulations regarding the requirements for installation and registration of incubators installed under the Act. The proposed rulemaking is under development at DOH. DOH will be engaging in discussions with stakeholders in upcoming months.	Chris Gleeson (717) 783-2500 Melissa Myers (717) 787-9857
Newborn Screening Regulations 28 Pa. Code Chapter 28	March 2025, as Proposed	The Department is proposing amendments to align with current practices and requirements from the Newborn Child Testing Act (35 P.S. §§ 621—624), the Newborn Child Pulse Oximetry Screening Act (11 P.S. §§ 878.1—878.5), The Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9) and the CMV Education and Newborn Screening Act (35 P.S. §§ 10301—10306). The proposed rulemaking is under development at DOH. DOH will be engaging in discussions with stakeholders in upcoming months.	Keith Fickel (717) 783-2500 Tara Trego (717) 346-3000
School Health, Vision Screening Tests and Exams 28 Pa. Code § 23.4	March 2025, as Proposed	Act 122 of 2020 added requirements to the Public School Code of 1949 (P.L. 30, No. 14) for vision screening and examinations for school-age children and requires promulgation of regulations to establish vision screening standards based on instrument-based vision screening technologies or visual acuity testing. The proposed rulemaking is under development at DOH.	Neil Mahalingam (717) 783-2500 Colleen Schultz (717) 547-3048
<i>Department of Human Services (DHS)</i>			
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5230	Summer 2024, as Final-Form	This regulation will expand psychiatric rehabilitation services to individuals 14 years of age or older, but under 18 years of age, who meet admission requirements and individuals diagnosed with post-traumatic stress disorder, attention deficit hyperactivity disorder or anxiety disorders and amend outdated language throughout.	Maeve Curley macurley@pa.gov
Covered Outpatient Drugs 55 Pa. Code Chapters 1101, 1121, 1141, 1142 and 1144	Fall 2024, as Final-Form	This regulation includes technical amendments to Title 55 of the <i>Pennsylvania Code</i> , Chapters 1101, 1121, 1141, 1142 and 1144. In addition to the technical amendments, the payment methodology for covered outpatient drugs has been amended in Chapter 1121 to comply with the Covered Outpatient Drugs final rule issued by the Centers for Medicare & Medicaid Services.	Maeve Curley macurley@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Payment for Certified Registered Nurse Anesthetists 55 Pa. Code Chapter 1150	Fall 2024, as Proposed	This regulation revises Title 55 of the <i>Pennsylvania Code</i> , Chapter 1150, to recognize and provide direct payment to certified registered nurse anesthetists who are enrolled in the Medical Assistance Program when in compliance with State Board of Nursing regulations at Title 49 of the <i>Pennsylvania Code</i> , Section 21.17 (relating to anesthesia).	Maeve Curley macurley@pa.gov
Protective Services for Adults 55 Pa. Code Chapter 15	Spring 2025, as Final-Form	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services is provided by Act 70 of 2010, the Adult Protective Services Act.	Maeve Curley macurley@pa.gov
Crisis Intervention Services (Licensure) 55 Pa. Code Chapter 5250	Fall 2024, as Proposed	This regulation codifies the minimum standards for the issuance of licenses to provide behavioral health crisis intervention services in the Commonwealth.	Maeve Curley macurley@pa.gov
Crisis Intervention Services (Payment) 55 Pa. Code Chapter 1350	Fall 2024, as Proposed	This regulation establishes the conditions for MA payment of crisis intervention services.	Maeve Curley macurley@pa.gov
Child Residential and Day Treatment Facilities 55 Pa. Code Chapters 3900, 3910 and 3920	Fall 2024, as Proposed	The Department is proposing to revise Chapter 3800 (relating to child residential and day treatment facilities) to clarify that Chapter 3800 does not apply to child residential facilities or secure residential and secure detention facilities for youth. Instead, the Department proposes to establish three new regulatory licensure chapters: Chapter 3900 (relating to child and youth facility requirements), Chapter 3910 (relating to child residential facilities) and Chapter 3920 (relating to secure residential and secure detention facilities for youth).	Maeve Curley macurley@pa.gov
Psychiatric Residential Treatment Facilities 55 Pa. Code Chapters 1330, 3800 and 5330	Summer 2024, as Proposed	This regulation will provide foundational standards to meet the complex mental health needs of children, youth and young adults receiving services in psychiatric residential treatment facilities. Specifically, the proposed rulemaking will codify the minimum licensing standards, Medical Assistance (MA) participation requirements and MA payment conditions for RTFs that are currently licensed and certified by the Department. Under the proposed rulemaking, these facilities will be licensed as psychiatric residential treatment facilities (PRTFs).	Maeve Curley macurley@pa.gov
Confidentiality of Records 55 Pa. Code Chapter 5100	Fall 2024, as Proposed	This regulation amends Chapter 5100 to be consistent with the HIPAA regulations for confidentiality of records and Act 32 of 2022.	Maeve Curley macurley@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nursing Facility Reimbursement 55 Pa. Code Chapters 1187 and 1189	Summer 2024, as Proposed	This proposed regulation will meet new Centers for Medicare & Medicaid Services requirements for Nursing Facility per diem reimbursement. The current rate setting methodology will no longer be supported by CMS. This regulation will amend Chapters 1187 and 1189 to a new methodology that meets CMS requirements.	Maeve Curley macurley@pa.gov
General Provisions Scope and Copayment 55 Pa. Code Chapter 1101	Fall 2024, as Proposed	This proposed regulation amends the 1101 Chapter to bring current the general program provisions.	Maeve Curley macurley@pa.gov
<i>Pennsylvania Insurance Department (PID)</i>			
Producer Licensing Modernization Regulatory Updates	Fall 2024, as Final	Repeal outdated regulations and replace with a new chapter implementing sections 601-A—699.1-A of the Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), which will set forth requirements and standards for insurance producers in this Commonwealth. The regulation was published as proposed on May 11, 2024. Comments have been received and are being considered by PID.	Caroline Boehm Policy Director (717) 787-0164
Underground Storage Tank Indemnification Fund (USTIF) Regulations	Summer 2024, as Proposed	Amend regulation to clarify USTIF and TIIP eligibility requirements by incorporating Pennsylvania appellate court decisions and to also require that underground storage tanks be registered under Section 503 of the Tank Act within 60 days of when a release is confirmed. The USTIF Board is anticipated to approve the publication of the regulation in proposed form at a special meeting to be scheduled in July 2024.	Caroline Boehm Policy Director (717) 787-0164
Rating on Unknown Risk Classifications	Fall 2024, as Proposed	Promulgate a new regulation to clarify the Department's interpretation that a rate is considered to be "excessive, inadequate or unfairly discriminatory" pursuant to state rate approval statutes if the insurer rates on an unknown risk classification. Conceptual regulatory provision and background provided to GPO. Regulation and preamble currently being drafted.	Caroline Boehm Policy Director (717) 787-0164
Repeal of Chapter 61	Fall 2024, possibly as Final-Omitted	Repeal of Chapter 61 (Notices for and Appeals of Cancellations and Refusal to Renew Certain Automobile Insurance Policies). No regulations were implemented under Article XX of The Insurance Company Law of 1921 (40 P.S. §§ 991.2001—991.2013) and the previous law under which Chapter 61 was promulgated was replaced by Article XX, Chapter 61 no longer has the force and effect of law as found in <i>Cain v. Insurance Department</i> , 811 A.2d 38 (Pa. Cmwlth. 2002); appeal denied 822 A.2d 705 (Pa. 2003).	Caroline Boehm Policy Director (717) 787-0164

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Labor and Industry (L&I)</i>			
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Spring 2025, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel. <i>Status update:</i> Preparation of reg package currently underway.	Matthew Kegg (717) 783-6304
Bureau of Workers' Compensation Title 34, Chapter 123 Subchapter B Impairment Ratings	Fall 2024, as Final-Form	Update regulations to reflect new statutory provisions and changes to the IRE process enacted by Act 111 of 2018. <i>Status update:</i> Regulation # 12-117: Impairment Rating proposed rulemaking delivered to IRRC on 4/12/23 and subsequently published in <i>PA Bulletin</i> on 4/22/2023. Agency reviewing public comment and IRRC comment. Finalizing the final-form documents.	Marianne Saylor (717) 886-9001
Uniform Construction Code Regulations Title 34, Part I, Chapter 405 Bureau of Occupational and Industrial Safety	Winter 2024, as Proposed	Update regulations related to lifting devices based on Act 68 of 2018 and adopt certification standards for third party inspection agencies. <i>Status update:</i> Preparation of reg package currently underway. The annex has been drafted and a courtesy copy of the annex will be provided to the Elevator Safety Board, per their vote on a motion to review the annex before it goes through the formal regulatory process.	Matthew Kegg (717) 783-6304
Sign Language Interpreter and Transliterator State Registration Act Title 34, Part XV Chapter 501 Office of Deaf and Hard of Hearing	Summer 2024, as Proposed	Update regulations related to registration and examination of sign language interpreters. <i>Status update:</i> Preparation of proposed reg package is complete at the agency-level and moving through necessary approvals.	Melissa Hawkins (717) 783-4912
UCBR—Title 34, Chapter 101 (relating to the manner in which hearings shall be conducted and appeals filed)	Fall 2024, as Proposed	Update regulation based on implementation of the new UC Claims System, amendments to the UC statute and potential for virtual hearings. <i>Status update:</i> Courtesy draft of proposed amendments have been sent to stakeholders and stakeholders provided comments on the courtesy draft. Regulatory documents have been drafted and are under review.	Brian Parr (717) 787-4857
Services for the Blind and Visually Impaired Currently Title 55, Part IV, Adult Services Manual, Subpart D Non-residential Agencies/Facilities/Services Chapter 2430 to be moved to Title 34	Summer 2025, as Proposed	Deletion of current regulations and creation of new regulations for the Business Enterprise Program to reflect operational changes, based on the transfer of the program from the Department of Human Services to L&I, Act 15 of 1999. <i>Status update:</i> Under consideration.	Dawn Sokol (814) 871-4401

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Military and Veterans Affairs (DMVA)			
Bureau of Veterans' Affairs 43 Pa. Code Chapter 9	Spring 2024, Repeal	The Department proposes to repeal its Persian Gulf Conflict Veterans Benefit Program. The Program was established by Act on April 24, 2006 (P.L. 91, No. 29). The current rules and regulations at Title 43 Pa. Code Chapter 9 were promulgated in 2008 to implement, administer and enforce the Act. Section 4(b) of the Act allowed the Department to accept applications through August 31, 2015. The Act of October 30, 2015 (P.L. 205, No. 50), amended this authority by extending the application period through August 31, 2018. The Act of October 30, 2015, also amended the expiration date, in section 12(e), to prohibit the issuance of bonds and notes funding the program after December 31, 2019. The Department accordingly ceased accepting applications for the benefit after August 31, 2018, and ceased issuing bonds and notes for the program after December 31, 2019. For these reasons, the rules and regulations at Chapter 9 are inoperable and proposed to be repealed with the chapter reserved. Proposed Final-Omitted # 13-7—Persian Gulf Conflict Veterans' Benefit Program Submitted on 6/18/2024	Ed Cherry (717) 861-8503 DMVA Office of Chief Counsel
Bureau of Veterans' Affairs 43 Pa. Code Chapter 5	Spring 2024, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations related to the former Bureau of Veterans' Affairs that is now the Bureau of Programs, Initiatives, Reintegration and Outreach. The statutory authority for these regulations Sections 1704(7) and 7701 of the Military and Veterans Code (51 Pa.C.S.). These regulations are out-of-date. They were last updated in 1991.	Ed Cherry (717) 861-8503
Fort Indiantown Gap 43 Pa. Code (new Chapter)	Fall 2025, as Proposed	Fort Indiantown Gap is owned by the Commonwealth of Pennsylvania and operated by the Department of Military and Veterans Affairs. The post is home to tens of thousands of Soldiers and civilians every year for training and other activities. Department wishes to promulgate regulatory authority and installation regulations that enhance the safety of military and civilian personnel and protect the military and Commonwealth property. The statutory authority for these regulations Chapter 7 § 708 of the Military and Veterans Code (51 Pa.C.S.). Initial Stakeholder Outreach	Ed Cherry (717) 861-8503
State Armory Board 43 Pa. Code Chapter 3	Fall 2025, as Proposed	The State Armory Board within the Department of Military and Veteran Affairs provides, equips, maintains, manages and regulates armories for the use of the Pennsylvania military forces. Department wishes to update regulatory authority since that reflect updates to the guidelines and functions of the Board. The statutory authority for these regulations Chapter 15 §§ 1501—1512 of the Military and Veterans Code (51 Pa.C.S.). Initial Stakeholder Outreach	Ed Cherry (717) 861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (# 17-80)	Fall 2024, as Proposed Preparation of proposed rulemaking package underway.	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Captain Leslie Barr (717) 705-7501
Administration of Law Enforcement Background Investigations and Employment Information Act 57 of 2020 (# 17-87)	Fall 2024, as Proposed Preparation of proposed rulemaking package underway.	Act 57 of 2020 (P.L. 613, July 14, 2020, No. 57) established the requirement for background investigations and employment information for law enforcement officers. Duties conveyed to the Municipal Police Officers' Education and Training Commission include to establish and maintain an electronic database containing separation records of law enforcement officers; establish minimum background investigation standards; and promulgate regulations.	Captain Leslie Barr (717) 705-7501
Administration of Mental Health Evaluations for Law Enforcement Officers Act 59 of 2020 (# 17-88)	Fall 2024, as Proposed Preparation of proposed rulemaking package underway.	Act 59 of 2020 (P.L. 624, July 14, 2020, No. 59) established the requirement for mandatory mental health evaluations for law enforcement officers. Duties conveyed to the Municipal Police Officers' Education and Training Commission include to establish procedures for confidentiality of mental health evaluations and related records; other procedures as necessary; and promulgate regulations.	Captain Leslie Barr (717) 705-7501
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	2024, as Proposed	The Sheriffs' and Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to the Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
County Probation and Parole Officers' Firearm Education and Training Commission 37 Pa. Code Chapter 79	2024, as Proposed	The County Adult Probation and Parole Advisory Committee (CAPPAC), an advisory committee within the Commission on Crime and Delinquency, plans to transfer and amend the regulations at 37 Pa. Code Chapter 79 to a newly created 37 Pa. Code Chapter 491 due to statutory changes in Act 115 of 2019 (Act of Dec. 18, 2019, P.L. 776, No. 115).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Constables' Education and Training Board 37 Pa. Code Chapter 431	2024, as Proposed	The Constables' Education and Training Board, an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 431 (relating to Constables' Education and Training Board) to update policies and procedures.	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
Crime Victims Compensation 37 Pa. Code Chapter 411	2024, as Proposed	The Victims Services Advisory Committee, an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 411 (relating to Crime Victims Compensation) to update policies and procedures to reflect statutory changes in Act 77 of 2022 (Act of Jul. 11, 2022, P.L. 775, No. 77).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority (PENNVEST) Assistance and Clean Water State Revolving Fund 25 Pa. Code Sections 963.1—963.20, including inter alia: 963.12(a) 963.13(c) 963.13(e) 963.15(a) 963.15(c) 963.16 963.18(c) 963.20	Summer/Fall 2024, as Proposed The PENNVEST Board voted to approve the proposed rulemaking on January 29, 2020.	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013, the Federal Water Resources Reform and Development Act of 2014, the Water Infrastructure Improvements for the Nations Act of 2016, the Infrastructure Investment and Jobs Act of 2021 and guidance revisions implemented by the Department of Environmental Protection, to reflect updates to business practices and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Amend 25 Pa. Code § 963.12(a)(1) by revising the section to provide for the eligibility of certain interior plumbing costs. (2) Delete 25 Pa. Code § 963.12(a)(3) and § 963.12(c)(3) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the purchase of land that qualify as eligible costs under § 963.11(a)(4). (3) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. (4) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment of principal and interest on the 60th month. (5) Delete 25 Pa. Code § 963.13(e) requiring PENNVEST to set aside 10% of the available finance assistance for advance funding assistance due to lack of demand. (6) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(7) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(8) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the application cut-off date for the next regularly scheduled PENNVEST Board meeting.</p> <p>(9) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>(10) Amend 25 Pa. Code § 963.18(c)(2)(iii) to increase the threshold for PENNVEST’s prior written approval of change orders from \$25,000, or 2 percent of the amount of the project’s construction cost, whichever is less, to \$50,000.</p> <p>(11) Delete 25 Pa. Code § 963.20 eliminating the requirement for a second opinion project review for projects in excess of \$10M.</p>	
<i>Pennsylvania State Police (PSP)</i>			
<p>Purchase and Possession of Partially-Manufactured Frame or Receiver for Pistol or Rifle 37 Pa. Code (new Chapter)</p>	<p>Winter 2024, as Proposed Preparation of proposed rulemaking package developed. Awaiting Federal court ruling(s).</p>	<p>Title 18 Pa.C.S. § 6111.1 requires the Pennsylvania State Police to administer the provisions of the Uniform Firearms Act. The Office of Attorney General, Official Opinion 2019-3, 49 Pa.B. 7659, establishes a partially-manufactured frame or receiver for a pistol or rifle as a firearm as defined within the Uniform Firearms Act. The purpose of the proposed rulemaking is to ensure clear guidance is given to licensees/sheriffs and the public in processing the sale/transfer and possession of a partially-manufactured frame or receiver for a pistol or rifle.</p>	<p>Captain Leslie Barr (717) 705-7501</p>
<i>Department of Revenue (DOR)</i>			
<p>Corporate Net Income Tax 61 Pa. Code § 153.26a (Proposed Rulemaking) Sales Factor Sourcing Sales of Services</p>	<p>December 2024, as Proposed</p>	<p>Under the authority contained in section 6 of the Fiscal Code (72 P.S. § 6) and section 401 of the TRC (72 P.S. § 7401(3)), the Department proposes the addition of § 153.26a (relating to sales factor sourcing sales of services). Act 52 of 2013 enacted a revised methodology for sourcing revenue from sales of services in the computation of CNIT. The proposed rulemaking will establish the processes for sourcing service income and the apportionment of taxpayers’ business income to this Commonwealth and ensure that all taxpayers implement uniform methods for sourcing their sales of services to this Commonwealth.</p>	<p>Jack Frehafer (717) 346-4637</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Corporate Net Income Tax 61 Pa. Code Chapter 153 (Proposed Rulemaking) Business Income and Nonbusiness Income	December 2024, as Final-Form	Under the authority contained in section 6 of the Fiscal Code (72 P.S. § 6) and section 401 of the TRC (72 P.S. § 7401(3)), the Department is proposing amendments to the CNIT regulations by adding § 153.24a (relating to business and nonbusiness income) due to legislative changes and further development of U.S. Constitutional case law interpreting the power of states to tax corporations under the Unitary Business Principle.	Michael Vadner (717) 346-4640
Personal Income Tax 61 Pa. Code §§ 5.1 et. seq. (Proposed Rulemaking) Amendments (Payment by Electronic Funds Transfer) Payment Methods for Obligations Due the Commonwealth	December 2024, as Final-Form	Under the authority contained in section 9 of The Fiscal Code (72 P.S. § 9), the Department and Treasury jointly propose amendments to Chapter 5, Payment Methods for Obligations Due the Commonwealth. The proposed rulemaking is a complete revision and update of the existing Chapter. The proposed rulemaking prescribes the current rules, places and methods for remitting payments for obligations due the Commonwealth through the Department of Revenue. Allowable methods of payment will include cash, check and electronic funds transfer (EFT), such as ACH debit and credit, debit card, credit card and wire transfer. The regulation will also prescribe the types of obligations that must be remitted by EFT and the penalty for failure to remit by EFT when required.	John Brenner (717) 705-3906
<i>Department of State (DOS)</i>			
<i>State Board of Accountancy</i>			
Licensure by Endorsement 49 Pa. Code §§ 11.5a and 11.5b (# 16A-5517)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Miranda Murphy (717) 214-8402

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code §§ 11.16, 11.23a, 11.56, 11.57, 11.82 and 11.84—11.87 (# 16A-5519)	Fall 2024, as Proposed	First, this proposed rulemaking is a general update of the Board's regulations to comply with the Act 110 of 2022 amendments to the CPA Law relating to examinations, education requirements, verification of experience and peer review, as well as the Act 100 of 2021 requirements regarding virtual supervision. Second, this rulemaking provides a CPE "safe harbor" for licensees supervising attest services; requires licensees supervising, signing or authorizing another to sign an accountant's report for attest services to comply with the competency requirements; and fixes a typographical error. Third, the rulemaking amends the Board's regulations to implement continuous testing of the CPA Exam and to permit CPA test takers to retake a failed section of the CPA Exam without having to wait until the next quarter to retake a failed section of the CPA Exam. <i>Statutory Authority:</i> Section 3(a)(12) of the CPA Law (63 P.S. § 9.3(a)(12)) authorizes the Board to promulgate and enforce regulations as are necessary and proper to carry into effect the provisions of the CPA Law.	Miranda Murphy (717) 214-8402
<i>State Architects Licensure Board</i>			
Licensure by Endorsement 49 Pa. Code Chapter 9 (# 16A-4120)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Jessica Harris (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code Chapter 9 (# 16A-4112)	Winter 2025, as Proposed	The Board has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to the requirements for licensure by examination and for licensure by reciprocity. The proposed rulemaking will add provisions for licensure with a bachelor's degree from a regionally accredited program, an associate degree, a Broadly Experienced Architect and through reciprocal licensure. Other affected provisions include those related to inactive records, requirements for examination eligibility, adoption of the Architectural Experience Program (AXP [®]), application procedures related to experience and the verification thereof, reactivation of lapsed licenses and professional/corporate practice. The proposed rulemaking will also remove the rolling clock requirement which places a five-year expiration date on passed divisions of the Architect Registration Examination (ARE), thereby aligning the Board's requirements with those of the National Council of Architectural Registration Boards (NCARB) and most other states.	Jessica Harris (717) 783-3397
<i>State Board of Auctioneer Examiners</i>			
Act 88 Amendments 49 Pa. Code Chapter 1 (# 16A-6410)	Winter 2025, as Proposed	The act of July 20, 2016 (P.L. 789, No. 88) (Act 88 of 2016) amended the Auctioneer Licensing and Trading Assistant Registration Act by updating its provisions, eliminating auction house licenses and creating a registration for trading assistant companies. It also redefined terms and altered qualifications for auctioneers to include a combination of education and apprenticeship. This proposed rulemaking is needed to fully implement Act 88 of 2016.	Terrie Kocher (717) 783-3397
Licensure by Endorsement 49 Pa. Code §§ 1.3, 1.27 and 1.28 (# 16A-6412)	Summer 2024, as Final	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. The final-form rulemaking package was delivered to IRRC on April 19, 2024, and unanimously approve at IRRC's June 20, 2024 public meeting.	Terrie Kocher (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Barber Examiners			
General Revisions 49 Pa. Code Chapter 3 (# 16A-429)	Winter 2025, as Proposed	The proposed rulemaking would update the Board's regulations to delete obsolete provisions and outdated terminology. It would also update the regulations to make them consistent with the Barber License Law and current practices of the Board and its licensees and amend certain provisions related to minimum space and minimum equipment requirements.	Sharona Evans (717) 772-8538
Licensure by Endorsement 49 Pa. Code §§ 3.16 and 3.17 (# 16A-4212)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Sharona Evans (717) 772-8538
State Board of Chiropractic			
Volunteer License 49 Pa. Code § 5.20 (# 16A-4321)	Winter 2025, as Final-Omitted	This final-omitted regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act (Acts 86 of 2014, 29 of 2007 and 58 of 2002). <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Shakeena Chappelle (717) 214-5702
General Revisions 49 Pa. Code Chapter 5 (# 16A-4328)	Winter 2025, as Proposed	This proposed rulemaking would update the Board's regulations to include provisions related to government employee liability coverage and sexual misconduct. <i>Statutory Authority:</i> Section 302(3) of the Chiropractic Practice Act (63 P.S. § 625.302(3)) authorizes the Board to promulgate, adopt and enforce in the manner provided by law, the rules and regulations necessary to carry out this act.	Shakeena Chappelle (717) 214-5702

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure by Endorsement 49 Pa. Code §§ 5.1, 5.11a, 5.13a and 5.13b (# 16A-4334)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. The Board is drafting the proposed regulatory package.	Shakeena Chappelle (717) 214-5702
Schedule of Fees 49 Pa. Code § 5.6 (# 16A-4335)	Summer 2024, as Final	This rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 1101 of the Chiropractic Practice Act (63 P.S. § 625.1101). The final-form rulemaking was published on June 8, 2024 (54 Pa.B. 3152).	Shakeena Chappelle (717) 214-5702
<i>Commissioner of Professional and Occupational Affairs</i>			
Consideration of Criminal Convictions 49 Pa. Code Chapter 43b Subchapters C and E §§ 43b.201 and 43b.401—43b.531 (# 16A-66)	Summer 2024, as Final	This rulemaking is required to implement provisions of the act of July 1, 2020 (P.L. 545, No. 53), relating to the consideration of criminal history record information by licensing boards and commissions under the Bureau of Professional and Occupational Affairs, including schedules of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by the various boards/commissions. The final-form regulation was approved by the Independent Regulatory Review Commission on June 20, 2024.	Cynthia Montgomery (717) 783-7200
Hearings via Communication Technology 49 Pa. Code Chapter 43b Subchapter D §§ 43b.303 and 43b.304 (# 16A-67)	Fall 2024, as Proposed	This rulemaking is required to implement provisions of the act of Apr. 15, 2024 (P.L. 20, No. 5) (Act 5 of 2024) which amended 63 Pa.C.S. § 3105(b) (related to hearing examiners) and provides that a respondent in a disciplinary matter before a licensing board or licensing commission may appear in person or remotely via the use of "communication technology" for a hearing.	Cynthia Montgomery (717) 783-7200
<i>Bureau of Notaries, Commissions & Legislation</i>			
Notaries Public 4 Pa. Code Part VIII Subpart C (# 16-61)	Fall 2024, as Proposed	The rulemaking implements the act of October 9, 2013 (P.L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA). The proposed regulation was submitted to the Governor's Office for internal review, as required by Executive Order 1996-1. Delivery to IRRC is expected by the 4th quarter of 2024.	Martha Brown (717) 783-0736

Regulation Being Considered	Proposed Date of Promulgation	Need and Legal Basis for Action	Agency Contact
State Board of Cosmetology			
Schedule of Civil Penalties 49 Pa. Code § 43b.5 (# 16A-4517)	Winter 2025, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Cosmetology promulgated by the Commissioner of Professional and Occupational Affairs under the authority of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48). The State Board of Cosmetology (Board) has participated in the Act 48 citation program from its inception in 1996 and has not increased the amounts in the schedule of civil penalties since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties in order to improve their deterrent effect.	Val Eaton (717) 783-3402
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 7 (# 16A-4518)	Fall 2024, as Final	This rulemaking implements part of the Act 136 of 2014 (P.L. 2476, No. 136), which allows massage therapists to practice within the licensed square footage of cosmetology or esthetician salons and requires the Board and the State Board of Massage Therapy to jointly promulgate regulations to carry out these provisions. <i>Statutory Authority:</i> Sections 11 and 9.3 of the Act of May 3, 1933 (P.L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P.S. §§ 517 and 515.3. The proposed rulemaking was published on December 16, 2023; public comment ended on January 16, 2024; IRRC's comments were received on February 15, 2024. The final-form rulemaking is under consideration by the Board.	Val Eaton (717) 783-3402
Licensure by Endorsement 49 Pa. Code Chapter 7 (# 16A-4521)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Val Eaton (717) 783-3402

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Crane Operators			
Licensure by Endorsement 49 Pa. Code §§ 6.16 and 6.17 (# 16A-7104)	Summer 2024, as Final	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. The final-form rulemaking package was unanimously approved at IRRC's public meeting on June 20, 2024.	Jessica Harris (717) 783-1404
State Board of Dentistry			
Anesthesia Update 49 Pa. Code §§ 33.3, 33.115a and 33.331—33.344 (# 16A-4621)	Winter 2025, as Proposed	The Board's current regulations relating to the administration of general anesthesia, deep sedation, conscious sedation and nitrous oxide/oxygen analgesia were promulgated in 2005. Noting that the standard of care has evolved since that time, the Board wishes to update the regulations to adopt more current standards and provide additional guidance to anesthesia permit holders. <i>Statutory Authority:</i> Sections 3(o) and 11.2 of the Dental Law (63 P.S. §§ 122(o) and 130c). Section 130c authorizes the Board to establish requirements relating to the use of general anesthesia, conscious sedation and nitrous oxide/oxygen analgesia. Section 3(o) provides the general authority of the Board "to adopt, promulgate and enforce such rules and regulations as may be deemed necessary by the Board."	Jim Abels (717) 783-7162
Volunteer License 49 Pa. Code § 33.110 (# 16A-4625)	Winter 2025, as Final-Omitted	This final-omitted regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act (Acts 86 of 2014, 29 of 2007 and 58 of 2002). <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Jim Abels (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code Chapter 33 (# 16A-4628)	Winter 2025, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, EFDA program approval, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education.	Jim Abels (717) 783-7162
Schedule of Civil Penalties— Dentists, Dental Hygienists and EFDAs 49 Pa. Code § 43b.14a (# 16A-4630)	Winter 2025, as Proposed	This proposed regulation would amend the schedule of civil penalties for practicing on a lapsed license, permit or certificate and other violations of the Dental Law, including failure to complete continuing education. <i>Statutory Authority:</i> 63 Pa.C.S. § 3108 authorizes the Commissioner to set forth schedules of civil penalties.	Jim Abels (717) 783-7162
Licensure by Endorsement 49 Pa. Code §§ 33.107a and 33.107b (# 16A-4635)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. The proposed rulemaking package is being reviewed by the Office of Attorney General (OAG); pending OAG approval, delivery of the proposed rulemaking is expected by Fall of 2024.	Jim Abels (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Opioid Prescribing and Education 49 Pa. Code Chapter 33 (# 16A-4637)	Winter 2025, as Proposed	The State Board of Dentistry proposes this rulemaking to set forth the minimum acceptable standards of practice that a dentist licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives. The rulemaking will also amend the Board's regulations to conform to the requirements of the omnibus amendments to the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act found in Act 124 of 2016. This rulemaking will adopt the PA-Support curriculum developed under contract with the Bureau of Professional and Occupational Affairs to implement the "safe prescription of a controlled substance containing an opioid" curriculum required by Act 126 of 2016.	Jim Abels (717) 783-7162
<i>State Board of Funeral Directors</i>			
Licensure by Endorsement 49 Pa. Code §§ 13.1 and 13.78—13.79 (# 16A-4832)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	J. Leslie Warner (717) 214-7781
General Revisions 49 Pa. Code Chapter 13 (# 16A-4833)	Winter 2025, as Proposed	The State Board of Funeral Directors has undertaken a comprehensive review of its current regulations in an effort to update obsolete and incomplete provisions, to revise them to conform with current practices and to be consistent with the Funeral Director Law. This proposed rulemaking implements updates to current practices of the Board with respect to continuing education enforcement, LLCs, renewal and reactivation of funeral establishment licenses, business records and the 10-day hold rule.	J. Leslie Warner (717) 214-7781

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Food and Beverages 49 Pa. Code Chapter 13 (# 16A-4834)	Fall 2024, as Proposed	This rulemaking codifies a prior statement of policy setting forth the Board's interpretation and application of § 13.183 (relating to food and beverages). The rulemaking will clarify that, other than water, food and beverages may not be served in any part of the funeral establishment where the professional practice of funeral directing is conducted. This would include any area which is used in the care and disposition of the human dead or in the practice of disinfecting and preparing by embalming the human dead. It would also include any room in which human remains or cremated remains are placed for viewing, visitation or services. The prohibition, therefore, would not prohibit the serving of food or beverages in a separate "hospitality room" or "lounge" or any other area where the practice of funeral directing does not occur.	J. Leslie Warner (717) 214-7781
<i>State Board of Landscape Architects</i>			
General Revisions 49 Pa. Code Chapter 15 (# 16A-6111)	Winter 2025, as Proposed	The State Board of Landscape Architects has undertaken a comprehensive review of its current regulations in an effort to update obsolete and incomplete provisions, to revise them to conform with current practices and to be consistent with the Landscape Architects Registration Law. This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education.	Terrie Kocher (717) 772-8528
Schedule of Civil Penalties—Landscape Architects 49 Pa. Code Chapter 43b (# 16A-6120)	Winter 2025, as Proposed	This proposed regulation would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. <i>Statutory Authority:</i> 63 Pa.C.S. § 3108 authorizes the Commissioner to set forth schedules of civil penalties.	Terrie Kocher (717) 772-8528
Licensure by Endorsement 49 Pa. Code Chapter 15 (# 16A-6121)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Terrie Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Massage Therapy			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 20 (# 16A-722)	Fall 2024, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Massage Therapy obtain required training in child abuse recognition and reporting.	Paul Keller (717) 783-7155
General Revisions 49 Pa. Code §§ 20.1—20.54 (# 16A-725)	Winter 2025, as Proposed	This proposed rulemaking updates several provisions, including education, scope of practice and examinations. <i>Statutory Authority:</i> Section 4(2) of the Massage Therapy Act, 63 P.S. § 627.4(2).	Paul Keller (717) 783-7155
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 20 (# 16A-726)	Fall 2024, as Final	This rulemaking enacts part of the act of September 24, 2014 (P.L. 2476, No. 136), which allows massage therapists to practice in cosmetology or esthetician salons. <i>Statutory Authority:</i> Act 136 requires the Board and the State Board of Cosmetology to jointly promulgate regulations implementing the new law; Section 4(2) of the Massage Therapy Law, 63 P.S. § 4(2), provides the Board's general authority to promulgate regulations. The proposed rulemaking was published on December 16, 2023. The Board is drafting the final-form rulemaking.	Paul Keller (717) 783-7155
Licensure by Endorsement 49 Pa. Code Chapter 20 (# 16A-727)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Paul Keller (717) 783-7155
Virtual Education 49 Pa. Code Chapter 20 (# 16A-728)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to allow for instruction of massage therapy students via a "virtual platform," defined as a "live-stream synchronous videoconferencing or similar virtual presence technology." This regulation implements the act of December 22, 2021 (P.L. 488, No. 100) (Act 100 of 2021).	Paul Keller (717) 783-7155
Schedule of Fees 49 Pa. Code Chapter 20 (# 16A-729)	Fall 2024, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 11 of the Massage Therapy Law (63 P.S. § 627.11).	Paul Keller (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine			
Volunteer License 49 Pa. Code Chapter 16 (# 16A-4934)	Winter 2025, as Final-Omitted	This final-omitted regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act (Acts 86 of 2014, 29 of 2007 and 58 of 2002). <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Saiyad Ali (717) 783-4852
Status Change and Continued Competency 49 Pa. Code Chapter 16 (# 16A-4945)	Winter 2025, as Proposed	This regulation defines the status types of existing licensees (active, active-retired, inactive, expired), provides the scope of practice for the active-retired license type created by the MCARE Act and provides specific authorization for the Board to require a competency evaluation following a period of inactive practice. The regulation further replaces the term “registration” with “renewal” to reflect the ministerial act the Board performs upon a licensee’s application at or near the time of license expiration.	Saiyad Ali (717) 783-4852
Fees 18 Pa. Code § 16.13 (# 16A-4951)	Spring 2025, as Proposed	The rulemaking would update the fees for initial applications and reduce the biennial renewal fees of the State Board of Medicine to reflect recent analysis by the budget office of Board finances and fee-for-service costs. <i>Statutory Authority:</i> Section 6(a) of the Medical Practice Act of 1985 (63 P.S. § 422.6(a)) authorizes the setting of fees by regulation.	Saiyad Ali (717) 783-4852
Physician Assistants 49 Pa. Code Chapter 18 (# 16A-4955)	Winter 2025, as Final	This regulation implements Act 79 of 2021 by removing the requirement that a supervising physician countersign 100% of the patient files, by allowing all written agreements between physicians and physician assistants to be “filed” with the State Board of Medicine (Board) instead of “approved” by the Board, by specifying that physician assistants may practice without the onsite presence or personal direction of the supervising physician, by allowing for more autonomy in the language of the written agreement filed with the Board and by increasing the number of physician assistants that a supervising physician may supervise. The proposed rulemaking was published on December 16, 2023; The Board is drafting the final rulemaking; delivery of same is expected the 1st quarter of 2025.	Saiyad Ali (717) 783-4852

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure by Endorsement 49 Pa. Code Chapter 17 (# 16A-4958)	Fall 2024, as Final	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. The proposed rulemaking was published in the <i>Pennsylvania Bulletin</i> on August 13, 2022. The final-form regulation was submitted to the Governor's Office for internal review, as required by Executive Order 1996-1. Delivery to IRRC is expected by the Fall of 2024.	Saiyad Ali (717) 783-4852
Opioid Prescribing and Education 49 Pa. Code Chapter 16 (# 16A-4960)	Fall 2024, as Proposed	The rulemaking will add to the current regulation regarding prescribing, administering and dispensing, to clarify that unprofessional conduct violates the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35 (Prescribing Opioids to Minors) or the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives. The rulemaking will also amend the Board's regulations to conform to the requirements of the omnibus amendments to the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act found in Act 124 of 2016. This rulemaking would adopt the PA-Support curriculum developed under contract with the Bureau of Professional and Occupational Affairs to implement the "safe prescription of a controlled substance containing an opioid" curriculum required by Act 126 of 2016.	Saiyad Ali (717) 783-4852
Opioid Treatment Programs 49 Pa. Code Chapter 16 (# 16A-4962)	Fall 2024, as Final-Omitted	This regulation would amend § 16.92(b) to reflect the Federal regulations at 42 CFR 8.12 with regard to physical examinations and would provide that the initial physical examination may be conducted by means of telehealth for those patients being admitted for treatment of opioid use disorder at an opioid treatment program (OTP) provided that the provider determines that an adequate evaluation of the patient can be accomplished via telehealth and a full in-person physical examination is completed within 14 days after admission to the OTP.	Saiyad Ali (717) 783-4852

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Examiners of Nursing Home Administrators</i>			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 39 (# 16A-6218)	Fall 2024, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Examiners of Nursing Home Administrators obtain required training in child abuse recognition and reporting.	Thomas Leech (717) 783-7142
Licensure by Endorsement 49 Pa. Code § 39.8a (# 16A-6220)	Winter 2025, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Thomas Leech (717) 783-7142
<i>State Board of Nursing</i>			
Volunteer License 49 Pa. Code Chapter 21, Subchapter F §§ 21.601—21.607 (# 16A-5139)	Winter 2025, as Final-Omitted	This final-omitted regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act (Acts 86 of 2014, 29 of 2007 and 58 of 2002). <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45 requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nursing Education Programs 49 Pa. Code Chapters 21 and 33 (# 16A-5141)	Fall 2024, as Proposed	This proposed rulemaking consolidates and updates pre- and post-licensure education regulations for registered nurses, licensed practical nurses and certified registered nurse practitioners and updates IV therapy terminology. This proposed rulemaking updates pre-licensure education regulations for registered nurses and licensed practical nurses. <i>Statutory Authority:</i> Sections 2.1(k), 6.2 and 11.2 of the Professional Nursing Law, 63 P.S. §§ 212.1(k), 216.2 and 221.2; and sections 17.5 and 17.6 of the Practical Nursing Law, 63 P.S. §§ 667.5 and 667.6. This rulemaking would also incorporate by reference the PA-Support curriculum developed under contract with the Bureau of Professional and Occupational Affairs to implement the “safe prescription of a controlled substance containing an opioid” curriculum required by Act 126 of 2016. The final-form regulation was submitted to the Governor’s Office for internal review, as required by Executive Order 1996-1. Delivery to IRRC is expected by the Fall of 2024.	Cindy Miller (717) 783-7142
Licensure by Endorsement and Reactivation 49 Pa. Code §§ 21.30a, 21.156a and 21.1101—21.1104 (# 16A-5143)	Fall 2024, as Final	This rulemaking amends the Board’s regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. In addition, this regulation delineates the specific number of practice hours in another jurisdiction needed as an option to prove continued competence when a license has lapsed or been inactive for 5 or more years. The proposed rulemaking was published in the <i>Pennsylvania Bulletin</i> on December 10, 2022. On January 25, 2024, the Board has drafted the final-form regulation and submitted it to the Governor’s office for internal review, as required by Executive Order 1996-1. Delivery of same to IRRC is expected during the 4th quarter of 2024.	Cindy Miller (717) 783-7142
CRNA Licensure 49 Pa. Code Chapter 21 (# 16A-5145)	Winter 2025, as Proposed	This proposed rulemaking will add certification and scope of practice provisions for certified registered nurse anesthetists (CRNAs) per Act 60 of 2021. <i>Statutory Authority:</i> Section 8.8 and 8.9 of the Professional Nursing Law (63 P.S. §§ 218.8 and 218.9).	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Opioid Prescription and Education and Organ Donation Education 49 Pa. Code Chapter 21 (# 16A-5146)	Winter 2025, as Final	This rulemaking would add mandatory education on pain management or the identification of addiction under Act 124 of 2016 (ABC-MAP Act) and on organ and tissue donation and recovery under Act 90 of 2018 (Donate Life PA Act). The proposed rulemaking was published on September 16, 2023 (53 Pa.B. 5776); public comment ended on October 16, 2023; on November 15, 2023, IRRC notified the Board that it had no comments. Final regulatory package underwent the necessary review by the Governor's office required by Executive Order 1996-1. Delivery to IRRC will occur in conjunction with other similar regulatory packages during the 1st quarter of 2025.	Cindy Miller (717) 783-7142
State Board of Optometry			
Volunteer License 49 Pa. Code § 23.26 (# 16A-5214)	Winter 2025, as Final-Omitted	This final-omitted regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act (Acts 86 of 2014, 29 of 2007 and 58 of 2002). <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Shakeena Chappelle (717) 214-5702
Opioid Prescribing and Education 49 Pa. Code Chapter 23 (# 16A-5219)	Winter 2025, as Proposed	The State Board of Optometry proposes this rulemaking to set forth the minimum acceptable standards of practice that an optometrist licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives. The rulemaking will amend the Board's regulations to conform to the requirements of the omnibus amendments to the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act found in Act 124 of 2016. This rulemaking would adopt the PA-Support curriculum developed under contract with the Bureau of Professional and Occupational Affairs to implement the "safe prescription of a controlled substance containing an opioid" curriculum required by Act 126 of 2016.	Shakeena Chappelle (717) 214-5702
Continuing Education 49 Pa. Code Chapter 23 (# 16A-5217)	Winter 2025, as Proposed	The proposed regulation will clarify regulations governing its continuing education standards.	Shakeena Chappelle (717) 214-5702

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Osteopathic Medicine			
Volunteer License 49 Pa. Code Chapter 25, Subchapter L §§ 25.601—25.607 (# 16A-5323)	Winter 2025, as Final-Omitted	This final-omitted regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act (Acts 86 of 2014, 29 of 2007 and 58 of 2002). <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Priscilla Turek (717) 346-1188
Licensure by Endorsement and Licensure Requirements 49 Pa. Code Chapter 25 (# 16A-5336)	Winter 2025, as Final	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. This proposed regulation will also address the current transition and ultimate merger of the American Osteopathic Association (AOA), the American Association of Colleges of Osteopathic Medicine (AACOM) and the Accreditation Council for Graduate Medical Education (ACGME), creating a single accreditation system for all graduate medical education. The regulation will also amend the existing licensure by endorsement requirement in § 25.242, which requires an applicant receive a passing score on an osteopathic manipulative therapy examination (the practical examination), by removing the requirement in its entirety. Proposed regulation was published on May 18, 2024. Public comment ended on June 17, 2024; IRRC's comments are due by July 17, 2024.	Priscilla Turek (717) 346-1188

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Opioid Prescribing and Education 49 Pa. Code Chapter 25 (# 16A-5337)	Winter 2025, as Proposed	This rulemaking will add to the current regulation regarding prescribing, administering and dispensing, to clarify that it is unprofessional conduct to violate the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35 (Prescribing Opioids to Minors) or the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives. The rulemaking will amend the Board's regulations to conform to the requirements of the omnibus amendments to the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act found in Act 124 of 2016. This rulemaking would adopt the PA-Support curriculum developed under contract with the Bureau of Professional and Occupational Affairs to implement the "safe prescription of a controlled substance containing an opioid" curriculum required by Act 126 of 2016.	Priscilla Turek (717) 346-1188
State Board of Pharmacy			
General Revisions 49 Pa. Code Chapter 27 (# 16A-5427)	Winter 2025, as Proposed	This proposed rulemaking would update the Board's regulations relating to standards of practice for pharmacists. Additionally, the regulation would amend application procedures to increase efficiency and incorporate several Federal provisions to provide clarity for licensees and the general public. <i>Statutory Authority:</i> Section 6(k)(9) of the Pharmacy Act, 63 P.S. § 390-6(k)(9).	Christina Townley (717) 783-4862
Child Abuse Reporting Requirements 49 Pa. Code Chapter 27 (# 16A-5430)	Fall 2024, as Proposed	This proposed regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Pharmacy obtain required training in child abuse recognition and reporting.	Christina Townley (717) 783-4862
Licensure by Endorsement 49 Pa. Code §§ 27.25a and 27.25b (# 16A-5432)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Christina Townley (717) 783-4862

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pharmacy Technicians 49 Pa. Code Chapter 27 (# 16A-5433)	Fall 2024, as Final	This rulemaking will set up the registration requirements for pharmacy technicians and pharmacy technician trainees in accordance with the amendments made to the Pharmacy Act (Act 140 of 2020). The proposed regulation was delivered to IRRC on Feb. 21, 2024, and published in the <i>Pa. Bulletin</i> on March 2, 2024. The Board is drafting the final-form regulation.	Christina Townley (717) 783-4862
Immunizations 49 Pa. Code Chapter 27 (# 16A-5434)	Winter 2025, as Final-Omitted	This rulemaking will implement Act 80 (Act of July 11, 2022, P.L. No. 80) which amended the Pharmacy Act to allow pharmacists and pharmacy interns to administer influenza and COVID-19 immunizations to children five years of age and older and expanded who could supervise a pharmacy intern while such immunizations are administered. The Board's regulations will be revised to make relevant provisions consistent with Act 80.	Christina Townley (717) 783-4862
ABC-MAP Opioid Education 49 Pa. Code § 25.271(c) (# 16A-5435)	Winter 2025, as Proposed	The rulemaking will amend the Board's continuing education requirements to conform to the requirements of the omnibus amendments to the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act found in Act 124 of 2016. <i>Statutory Authority:</i> Section 6(k)(9) of the Pharmacy Act, 63 P.S. § 390-6(k)(9).	Christina Townley (717) 783-4862
<i>State Board of Physical Therapy</i>			
Education; Continuing Education 49 Pa. Code Chapter 40 (# 16A-6519)	Winter 2025, as Proposed	This proposed rulemaking would clarify an issue related to students enrolled in Board-approved schools of physical therapy who perform acts of physical therapy incidental to the student's course of study. Furthermore, this rulemaking would clarify that all PTs and PTAs may to obtain 100% of the required continuing education (CE) hours via online continuing education.	Michelle Roberts (717) 783-7134
Early Exam and CE for Clinical Instruction 49 Pa. Code Chapter 40 (# 16A-6522)	Fall 2024, as Final	This proposed rulemaking would allow physical therapist students and physical therapist assistant students, to sit for the requisite examinations up to 90 days prior to graduation from their respective programs. Additionally, this proposed rulemaking would allow physical therapists (PTs) and physical therapist assistants (PTAs) who provide clinical instruction to student PTs and student PTAs, at clinical facilities affiliated with accredited programs, to receive a limited amount of continuing education credits for providing clinical instruction to student PTs and student PTAs. Furthermore, the proposed rulemaking will amend the Board's regulations to allow applicants to register for the National examination with the examination provider, without having to first obtain the Board's permission. Proposed rulemaking published on January 27, 2024 (54 Pa.B. 383). The Board is drafting the final-form rulemaking.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure by Endorsement 49 Pa. Code Chapter 40 (# 16A-6523)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Michelle Roberts (717) 783-7134
<i>State Board of Podiatry</i>			
Sexual Misconduct 49 Pa. Code Chapter 29 (# 16A-448)	Fall 2024, as Proposed	This proposed regulation would define and prohibit sexual behavior with patients and sexual exploitation. <i>Statutory Authority:</i> Section 15 of the Podiatry Practice Act (63 P.S. § 45.15) authorizes the Board to make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of this act within the scope of this act.	Priscilla Turek (717) 346-1188
Authority to Perform Acupuncture 49 Pa. Code Chapter 29 (# 16A-449)	Winter 2025, as Proposed	This regulation is required to regulate the practice of acupuncture by podiatrists under the Acupuncture Licensure Act. <i>Statutory Authority:</i> Section 3(b) of the Acupuncture Licensure Act (63 P.S. § 1803).	Priscilla Turek (717) 346-1188
Volunteer License 49 Pa. Code Chapter 29 § 29.55 (# 16A-4411)	Winter 2025, as Final-Omitted	This final-omitted regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act (Acts 86 of 2014, 29 of 2007 and 58 of 2002). <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Priscilla Turek (717) 346-1188
Child Abuse Reporting Requirements 49 Pa. Code §§ 29.91—29.97 (# 16A-4412)	Summer 2024, as Final	This regulation updates the Board's regulations on mandatory reporting of suspected child abuse and implements the training/continuing education mandated by recent amendments to the Child Protective Services Law (CPSL), 23 P.S. §§ 6301—6386. <i>Statutory Authority:</i> Section 6383(b)(2) of the CPSL requires the Board to promulgate regulations consistent with the CPSL; Section 15 of the Podiatry Practice Act (act), 63 P.S. § 42.15, directs the Board to adopt regulations to carry out the purposes of the act. The final-form rulemaking is on IRRC's agenda for its August meeting.	Priscilla Turek (717) 346-1188

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Opioid Prescribing and Education 49 Pa. Code Chapter 29 (# 16A-4418)</p>	<p>Winter 2025, as Proposed</p>	<p>The rulemaking will add to the current regulation regarding prescribing, administering and dispensing, to clarify that it is unprofessional conduct to violate the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35 (Prescribing Opioids to Minors) or the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives. The rulemaking will amend the Board's regulations to conform to the requirements of the omnibus amendments to the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act found in Act 124 of 2016. This rulemaking will also amend the therapeutic drug list in order to update and make the list more current. This rulemaking would adopt the PA-Support curriculum developed under contract with the Bureau of Professional and Occupational Affairs to implement the "safe prescription of a controlled substance containing an opioid" curriculum required by Act 126 of 2016. <i>Statutory Authority:</i> 35 Pa.C.S. § 5102, requires the board to adopt the curriculum by joint regulation. This rulemaking will amend the Boards Continuing Education regulation to allow for the carryover of 10 CE credits to the next renewal.</p>	<p>Priscilla Turek (717) 346-1188</p>
<p>Licensure by Endorsement and Qualifications for Licensure 49 Pa. Code Chapter 29 (# 16A-4419)</p>	<p>Fall 2024, as Proposed</p>	<p>This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. This regulation combined # 16A-4415 (relating to qualifications for licensure), which proposes to update and clarify the requirements for licensure as a doctor of podiatric medicine. Combining was necessary to clarify Act 41 licensure requirements.</p>	<p>Priscilla Turek (717) 346-1188</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Performance of Radiographic Procedures by Auxiliary Personnel 49 Pa. Code Chapter 29 (# 16A-4420)	Fall 2024, as Proposed	The proposed rulemaking would amend § 29.13 to delete the fee for the application for authorization to perform radiologic procedures. It would also amend § 29.81 to add the acronyms ARRT and ASPMA to the definition section. The proposal seeks to amend § 29.82 to provide for the Board's preapproval of an examination in radiology. The proposal seeks to amend § 29.83 to delete reference to the application forms and to require auxiliary personnel to submit applications and pay the fee directly to the testing service rather than applying to the Board. Additionally, the Board seeks to delete and reserve § 29.84 as it no longer administers the examination.	Priscilla Turek (717) 346-1188
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (# 16A-6317)	Fall 2024, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over. <i>Statutory Authority:</i> Section 15 of the Professional Psychologists Practice Act (63 P.S. § 1215) authorizes the Board to promulgate regulations relating to continuing education.	Thomas Leech (717) 783-7142
General Revisions 49 Pa. Code § 41.31 (# 16A-6320)	Winter 2025, as Proposed	This proposed rulemaking will update the Board's regulations to conform to changes made to the Professional Psychologists Practice Act by the Act of June 23, 2016 (P.L. 379, No. 53) (Act 53 of 2016). Act 53 of 2016 clarifies the scope of practice of psychology, grants the Board the power to issue temporary licenses to out of state licensees, revises and removes some of the previous exemptions to licensure, removes the time limitation pertaining to the retaking of the licensure examinations, eliminates the requirement that at least one year of supervised experience be obtained subsequent to the granting of the doctoral degree, gives the Board the ability to bar a suspended licensee from engaging in any other form of counseling or mental health practice and requires licensees to report multiple licensure of any other health profession. <i>Statutory Authority:</i> Section 3.2(2) of the Professional Psychologists Practice Act, 63 P.S. § 1203.2(2). Initial stakeholder outreach conducted; preparation of proposed rulemaking package currently underway.	Thomas Leech (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Volunteer License 49 Pa. Code Chapter 41 (# 16A-6323)	Winter 2025, as Proposed	This proposed rulemaking implements amendments to the Volunteer Health Services Act made by the act of July 2, 2014 (P.L. 820, No. 86), which extended the coverage of the law to include mental health services. <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	Thomas Leech (717) 783-7142
Accreditation 49 Pa. Code §§ 41.1 and 41.31 (# 16A-6327)	Fall 2024, as Proposed	This proposed rulemaking increases acceptable accreditation programs to add PCSAS (Psychological Clinical Science Accreditation System). <i>Statutory Authority:</i> Section 3.2(2) of the Professional Psychologists Practice Act (act) (63 P.S. § 1203.2(2)) authorizes the Board to adopt and, from time to time, revise such rules and regulations and policies not inconsistent with the law as may be necessary to carry into effect the provisions of this act. Section 6(a)(1) of the act requires applicants to have graduated from an accredited college or university. The proposed rulemaking is undergoing review as required by Executive Order 1996-1. Delivery to IRRC expected in the 4th quarter of 2024.	Thomas Leech (717) 783-7142
<i>State Board of Certified Real Estate Appraisers</i>			
Licensure by Endorsement 49 Pa. Code §§ 36.226 and 36.227 (# 16A-7024)	Winter 2025, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Kristel Hennessy Hemler (717) 214-7779
Schedule of Fees 49 Pa. Code § 36.6 (# 16A-7025)	Winter 2025, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 9 of the Real Estate Appraisers Certification Act (63 P.S. § 457.9). Initial stakeholder outreach conducted. The Board has drafted the proposed rulemaking but is evaluating changes in fiscal status and will determine whether amendments to the fee package are warranted.	Kristel Hennessy Hemler (717) 214-7779

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code §§ 458.1—458.16 (# 16A-7026)	Winter 2025, as Proposed	This proposed rulemaking will update several provisions, including definitions, permissible and prohibited activity and qualification of applicants, to conform with the Act 88 of 2020 amendments to the Assessors Certification Act. <i>Statutory Authority:</i> Section (3) of the Assessors Certification Act, 63 P.S. § 458.3. Board voted to approve proposed rulemaking; delivery of same to IRRC expected in 2nd Quarter 2024.	Kristel Hennessy Hemler (717) 214-7779
Broker Price Opinions 49 Pa. Code § 36.434 (# 16A-7027)	Winter 2025, as Proposed	This proposed rulemaking is needed for consistency with Act 75 of 2018, which amended the Real Estate Licensing Registration Act (RELRA) to allow licensed brokers, associate brokers and salespersons to perform BPO's in Pennsylvania.	Kristel Hennessy Hemler (717) 214-7779
Distance Education and PAREA 49 Pa. Code §§ 36.1, 36.11, 36.12, 36.12a, 36.13, 36.31, 36.43, 36.201, 36.224, 36.262 and 36.263 (# 16A-7029)	Fall 2024, as Final	The act of December 22, 2021 (P.L. 488, No. 100) (Act 100 of 2021) requires each licensing board to establish rules and regulations for continuing education that provides for distance education. This proposed rulemaking will update definitions and distance education standards for qualifying and continuing education courses. The rulemaking will affect certified residential and general real estate appraisers, licensed appraiser trainees and Certified Pennsylvania Evaluators. The distance education standards will comply with new Federal requirements implemented by the Appraisal Qualifications Board (AQB) effective January 1, 2022. Act 100 of 2021 also requires the Board to establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure and certification. PAREA is the concept of using simulated computer-based, virtual training to fulfill the experience requirement to become a certified real estate appraiser. Candidates meet virtually with certified real estate appraisers (i.e., mentors) who will review the appraiser training material, provide support and track the candidate's progress. Proposed regulation was delivered to IRRC on June 3, 2024. The proposed regulation is scheduled to be published on June 29, 2024. The Board will begin drafting the final rulemaking after the public comment period and any comments from IRRC are received.	Kristel Hennessy Hemler (717) 214-7779
<i>State Real Estate Commission</i>			
General Revisions 49 Pa. Code Chapter 35 (# 16A-5616)	Fall 2024, as Proposed	The proposed rulemaking would update the Commission's regulations to reflect changes in the law and practice in the industry, which include advertising and escrow requirements. <i>Statutory Authority:</i> Section 404 of the Real Estate Licensing and Registration Act, 63 P.S. § 455.404. This regulation was formerly entitled "Advertising." The Board decided to expand the regulation to include other general updates.	Deon Bowers (717) 772-8542

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure by Endorsement 49 Pa. Code § 35.230 (# 16A-5625)	Fall 2024, as Proposed	This rulemaking amends the Commission's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Deon Bowers (717) 772-8542
Broker Price Opinions 49 Pa. Code Subchapter J (# 16A-5626)	Winter 2025, as Final	The proposed rulemaking implements the act of June 29, 2018 (P.L. 500, No. 75) (Act 75 of 2018) which amended the Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902). The proposed regulations would add a new subchapter which sets forth limitations and requirements for broker price opinions, including required disclosures, signature requirements, permissible uses and required experience and education for brokers, associate brokers and salespersons.	Deon Bowers (717) 772-8542
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
General Revisions 49 Pa. Code Chapters 47—49 (# 16A-6923)	Fall 2024, as Proposed	The Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology and to modernize the Board's processes relating to licensure. This rulemaking also amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	KaVaughn Webb (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Volunteer License 49 Pa. Code Chapter 41 (# 16A-6924)	Winter 2025, as Proposed	This proposed rulemaking implements recent amendments to the Volunteer Health Services Act made by the act of July 2, 2014 (P.L. 820, No. 86), which extend the coverage of the law to include mental health services. <i>Statutory Authority:</i> Section 5 of the Volunteer Health Services Act, 35 P.S. § 449.45, requires each enumerated licensing board to promulgate regulations governing the volunteer license category.	KaVaughn Webb (717) 783-1389
Licensure by Endorsement 49 Pa. Code Chapters 47—49 (# 16A-6925)	Winter 2025, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. The Board is drafting the proposed regulatory package.	KaVaughn Webb (717) 783-1389
<i>State Board of Examiners in Speech-Language Pathology and Audiology</i>			
Licensure by Endorsement 49 Pa. Code §§ 45.601— 45.604 (# 16A-6808)	Fall 2024, as Final	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Shakeena Chappelle (717) 783-1389

Regulation Being Considered	Proposed Date of Promulgation	Need and Legal Basis for Action	Agency Contact
State Board of Veterinary Medicine			
Euthanasia 49 Pa. Code Chapter 31 (# 16A-5726)	Summer 2024, as Final	This rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals. The final-form regulation was approved by IRRC at its meeting on June 20, 2024.	Michelle Roberts (717) 783-7134
Licensure by Endorsement 49 Pa. Code Chapter 31 (# 16A-5730)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Michelle Roberts (717) 783-7134
Continuing Education 49 Pa. Code Chapter 31 (# 16A-5731)	Fall 2024, as Proposed	This rulemaking amends the Board's regulations to allow veterinarians to obtain 100% of the required 30 continuing education (CE) hours via online continuing education and to clarify that veterinarians and CVTs are not required to complete continuing education during the biennial renewal cycle in which they first obtain certification or licensure. <i>Statutory Authority:</i> The act of December 22, 2021 (P.L. 488, No. 100) (Act 100 of 2021) requires each licensing board to establish rules and regulations for continuing education that provides for distance education. Section 18 of the Veterinary Medicine Practice Act (63 P.S. § 485.18) authorizes the Board to promulgate regulations relating to continuing education.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Fees 49 Pa. Code Chapter 31 (# 16A-5732)	Fall 2024, as Final	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 13 of the Veterinary Medicine Practice Act (63 P.S. § 485.13). The proposed rulemaking was delivered on June 12, 2024, and is scheduled to be published on June 29, 2024. The Board will begin drafting the final-form rulemaking after the public comment period and any comments from IRRC are received.	Michelle Roberts (717) 783-7134
<i>Department of Transportation (DOT)</i>			
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chapter 441	Fall 2024	The Department will be promulgating a regulation to rewrite the entirety of Chapter 441 and to address comments received during the promulgation of an earlier promulgated Chapter 441 regulation redefining the term “owner.” Also increase in fees to cover Department costs.	Mike Dzurko (717) 783-6080
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	Fall 2024	This rulemaking updates vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations made by the Department’s Inspection Advisory Board.	Laura Krol (717) 346-1907
Mid-cabin Cameras in School Buses 67 Pa. Code Chapter 171	Fall 2024 Reg Package being drafted	This rulemaking will allow and provide requirements on the installation of mid-cabin cameras to be placed in school buses.	Angelia Gillis (717) 346-1907
Mental/Emotional Regulations 67 Pa. Code Chapter 83	Fall 2024 Reg Package being drafted	The Department has proposed amendments to this regulation adding to authorize additional disqualifications by a healthcare provider of anyone that has a mental/emotional loss that may impair an individual’s ability to drive safely.	Angelia Gillis (717) 346-1907
Seizure Disorder 67 Pa. Code Chapter 83	Fall 2024 Reg Package being drafted	The Department will be promulgating a regulation to rewrite Chapter 83.4 to amend that a person must be seizure-free for at least six months immediately preceding a seizure to three months immediately preceding a seizure.	Angelia Gillis (717) 346-1907
New School Bus Side Stop Arm Enforcement Systems	Fall 2024 Temporary Regulation Complete Final Regulation being drafted	Amendments required by Act 19 of 2023 related to 67 Pa. Code § 171a. Temporary Regulation to be promulgated within 3 years (expires within 5) and to be replaced with final regulation.	Jason Bewley (717) 783-3981 Doug Tomlinson (717) 787-3657
New Yellow Flashing or Revolving Lights on a School Vehicle 67 Pa. Code Chapter 171	Fall 2024 Reg Package being drafted	The Department has proposed amendments to this regulation authorizing school vehicles the option to be equipped with a permanently affixed or removable yellow flashing or revolving light.	Angelia Gillis (717) 346-1907

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Office of Administration (OA)</i>			
Office of Administration Civil Service Reform 4 Pa. Code Chapters 608—615	Spring 2024, as Proposed Spring 2025, as Final	This proposed rulemaking is needed to continue the implementation of Act 71 of 2018 (P.L. 460, No. 71), 71 Pa.C.S. Part III, commonly referred to as “the Civil Service Reform Act” (“Act”). The Act transferred administration of the Commonwealth’s merit system of employment from the State Civil Service Commission (“SCSC”) to the Office of Administration (“OA”). Under Section 2203(b)(2) of the Act, 71 Pa.C.S. § 2203(b)(2), OA may promulgate proposed regulations to facilitate implementation of the merit system. On March 16, 2019, OA, pursuant to its statutory authority, published temporary regulations implementing the transfer of duties from SCSC to OA. In March 2022, OA promulgated a new set of temporary regulations to address policy and procedural changes made by OA since promulgating the March 16, 2019 temporary regulations.	Anthony Holbert (717) 783-2590
<i>Pennsylvania Municipal Retirement System (PMRS)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania State Employees’ Retirement System (SERS)</i>			
No regulations being developed or considered at this time.			
<i>Department of Drug and Alcohol Programs (DDAP)</i>			
Drug and Alcohol Treatment Facility and Recovery House Licensing Regulations 28 Pa. Code Part V, Chapters 701—717	Spring 2026, as Proposed	The Department plans to undergo a full-scale review and update of its regulations for licensure of drug and alcohol treatment facilities and recovery houses. Treatment facilities provide detoxification, inpatient and outpatient treatment and rehabilitation to clients with substance use disorders (SUDs). Recovery houses provide supportive housing to individuals receiving outpatient treatment for SUD who may benefit from a substance-free environment and peer camaraderie and must be licensed to accept funding or referrals from public sources. These regulations protect the public health and safety of clients and residents in treatment and housing settings. There has been substantial development in the field since the last comprehensive update to the treatment facility regulations in the 1980s. Prior to publishing proposed regulations, the Department will conduct significant background research and stakeholder engagement to draft all components of the regulatory package. The legal basis for the treatment facility regulations is section 1021 of the Human Services Code (62 P.S. § 1021) and the legal basis for the recovery house regulations is section 2312-A of The Administrative Code of 1929 (71 P.S. § 613.12).	Kelly Primus (717) 982-4002

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>Updates:</p> <ul style="list-style-type: none"> Continued actively collecting stakeholder feedback on regulatory reform needs as part of the Phase II Stakeholder Engagement Tour around the Commonwealth 1/1/2024—Ongoing. Sent a brief Microsoft Forms regulatory reform survey to Listserv group of stakeholders seeking feedback, priorities, solutions and volunteers for work groups in 3/2024. Received over 300 responses. Developed regulatory reform themes and will have a time-limited work group for each. <p>Determined first, pilot work group will focus on staff (requirements, credentials, etc.) and will begin in July 2024. Developed the Work Group Charter and Work Group Ground Rules 5/3/2024—6/6/2024. Working on Work Group participant list (20 stakeholders) and sending out invites.</p>	
<i>Department of Community and Economic Development (DCED)</i>			
<p>Industrial Housing and Components 12 Pa. Code Chapter 145 (# 4-100) IRRC # 3382</p>	<p>Fall of 2024, as Proposed</p>	<p>The proposed regulation will revise section 145.93 to reduce the timing of factory inspections from every year to every two years and will revise section 145.94 to increase fees. The proposed rulemaking package was submitted to IRRC on September 5, 2023. The public comment closed on October 16, 2023, with no comments having been received. However, subsequent to the comment deadline one supportive comment was received from Mary Gaiski, Exec. Vice Pres of the PA Manufactured Housing Association. We received one comment from the IRRC. The final regulation must be promulgated by October 16, 2025.</p>	<p>Jaime Black (717) 720-7427 jaiblack@pa.gov</p>
<i>Department of General Services (DGS)</i>			
<p>Amendments to General Provisions; Allocations of Parking Permits 4 Pa. Code Chapter 71 Commonwealth Parking Facilities</p>	<p>December 2024, as Final-Omitted</p>	<p>The Department is proposing to increase the violation fees from \$5.00 to \$30.00. This will align with Harrisburg City’s fee amounts and deter misuse of Commonwealth parking spaces. The rulemaking will also update sections to better mirror current procedures concerning parking facilities. This proposed rulemaking primarily affects Commonwealth Employees, thus pursuing as final-omitted. Preparation of proposed rulemaking package currently underway.</p>	<p>Juan Ruiz (717) 787-6789</p>
<i>Pennsylvania Emergency Management Agency (PEMA)</i>			
<p>No regulations being developed or considered at this time.</p>			

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END OF ISSUE